WHEN
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WAS
YOUNG

T.A.McNEAL

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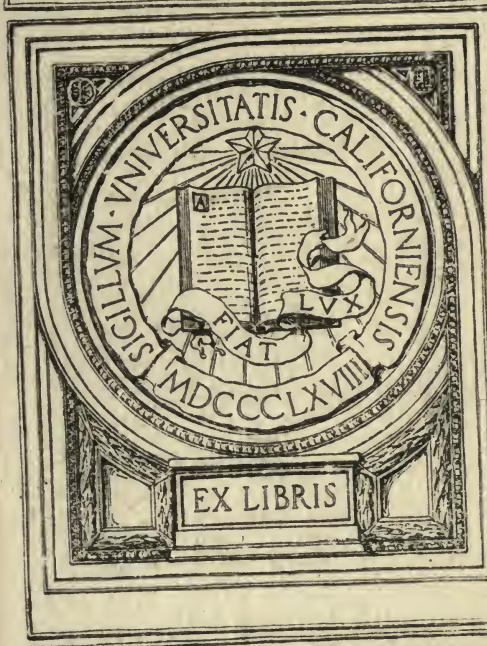

WHEN KANSAS WAS YOUNG

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WHEN KANSAS WAS YOUNG

BY

T. A. McNEAL

UNIV. OF CALIFORNIA

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G. E.

FOREWORD

The stories contained in this book have been written at odd times and published in the *Daily Capital* of Topeka, Kansas. They were continued because the readers of the *Capital* seemed to enjoy them and asked for more. I received a good many requests that they be put into book form and through the kindness of The Macmillan Company this has been done. The stories present, I think, some pictures of frontier life and frontier characters not found in any other book. I hope the readers of the book will enjoy reading the stories as much as I have enjoyed writing them. If they do I will be more than satisfied.

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THE EARLIER DAYS

The Largest Indian Council

MEDICINE LODGE, which has earned a place in Kansas history, is located at the confluence of the Medicine River and Elm Creek in the county of Barber.

Few, if any, towns in the state have more sightly locations, and in the early days its natural beauty was accentuated by the fact that in order to reach it one had to travel across many miles of treeless prairie. My first sight of it was after a three days' tiresome ride in a freight wagon when, coming to the crest of a rise some three miles to the northeast, I saw the frontier village, at that distance, apparently almost surrounded by thick groves of cottonwood and elm trees, while here and there through rifts in the wooded fringe could be seen the swift flowing waters of the converging streams gleaming in the sunlight like ribbons of silver flecked with gold.

The Medicine River derived its name from its supposed healing qualities and the thick grove at the junction of the two streams furnished a favorite camping place for the Indians who met there on stated occasions, and under the guidance of their medicine men,

performed their savage rites and cleansed their systems with copious draughts of the sacred waters.

Medicine Lodge, long before the advent of the white man, was the center of the favorite hunting ground of the red men. No other part of Kansas is so plentifully supplied with swift running streams, with sweeter native grasses, or such perfect natural shelter as Barber County. The Medicine River, flowing from the northwest corner to the southeast, furnishes fully fifty miles of living water, just sufficiently saline to make it as desirable stock water as there is in the world. In addition, there are the swift flowing streams, most of them tributary to the Medicine, Turkey Creek, Elm Creek, Spring Creek and Antelope, Cottonwood, Big Mule and Little Mule, Bear Creek, Elk Creek, Hackberry and Bitter Creek, with several others whose names just now escape my memory.

The names of these streams indicate the variety of game that lured the Indian hunter and furnished meat for his *wikiup*. It is no wonder that he was loth to give up the hunting ground which had been the favorite of his ancestors, as well as his own.

When after a long period of savage warfare the Government induced the head men of the leading prairie tribes to meet in a peace council and arrange terms of permanent peace between the white men and the red, by sort of common consent the location where Medicine Lodge now stands was chosen for the place of meeting. That was not only the greatest gathering of Indians and white men in the history of the United States in point of numbers, but the permanent results were the most important. Never since then, 1868, has there been a war between the great tribes represented at that peace council and the white men. The Indians who gave their word there kept the faith and buried the war tomahawk, never to dig it up again. It would be well

indeed for the world if so-called Christian white men had as high a sense of honor as these untutored savages.

Of course no accurate count was taken of the number of tribesmen who attended that conference, but conservative judges who were present estimated the number at not less than 15,000.

In command of the United States forces, who guarded the commissioners, was General Sherman, and with him were some of the most experienced Indian fighters in the old army. Governor Crawford left his comfortable seat at the new state capital to attend the conference, and it was to his keen observation and knowledge of Indian character that the peace commissioners and the small body of United States troops were probably indebted for their lives. There were restless spirits among the Indians who had little faith in the word of the white men. This was not remarkable, for the history of the dealings of the white men with the Indians had been marred by bad faith and outrageous swindles perpetrated upon the red men. The restless spirits among the tribesmen persuaded their fellow savages that this was simply another scheme of the pale faces to take away from them their favorite hunting grounds, to force them on to cramped reservations and there to let them die. They said that by a surprise attack they could overcome the white men and the pale-faced soldiers and massacre the entire outfit.

It was a rather dark afternoon, with a drizzling rain. Conditions were favorable for a surprise attack. Crawford saw certain signs among the Indians which aroused his suspicions, which he communicated to General Sherman, who at once drew up his troops in hollow square with a number of cannon pointed toward the savages, who were camped on the hills overlooking the river and grove.

He also sent word that the chiefs who were suspected

of causing the trouble must come into the white camp to be held as hostages. That ended all plans for a massacre. The council lasted several days. A general agreement was reached and the treaty was duly signed by the United States commissioners and the leading chiefs of the great Indian tribes, the Arapahoes, Comanches and Kiowas. The beautiful hunting grounds, the clear, swift flowing streams, the sheltering groves, all passed from the possession of the red men to the white, and within four years afterward the little town of Medicine Lodge had its beginning.

A Frontier Court

When the ninth judicial district of Kansas was formed it covered a territory larger than any one of more than half the states in the American Union. Extending from Chase County southward to the Indian Territory and westward to the Colorado line, it was quite possible to travel in a straight line for 300 miles, all the distance being within the boundaries of this judicial district.

The first judge of the district was the celebrated Col. Sam Wood, of Chase County, who was succeeded by William R. Brown, also of Chase County. Sam Wood looked the part of a frontier judge, but Brown was a typical New Englander in appearance and speech. Shortsightedness compelled him to wear glasses, and added to the dignity and solemnity of his appearance. A full reddish beard reached half way to his waist, and tossed about in the loyal winds which loved it well.

It fell to Judge Brown to hold the first term of court in the newly organized county of Barber. Court house there was none, although the thieves who organized the county had incurred sufficient debt, osten-

sibly for that purpose, to have built a fine temple of justice. The opening term was held, I think, in a schoolhouse which had just been completed. The sheriff was a unique character by the name of Reuben Lake. With great dignity and solemnity the new judge directed the sheriff to open court. Reuben had somewhere learned the usual formula for opening court, and varied it with some observations of his own. In stentorian voice he announced to the assembled crowd:

"Hear ye, hear ye; the honorable district court for Barber County is now in session. All you blank, blank sons of blank who have business in this court will lay off your guns and come to the front, and all you blank, blank sons of blank who have no business in this court will lay off your guns and keep —— quiet."

Just what the solemn and dignified judge thought of the manner in which the court was opened is not stated. The dean of the early Barber County bar was Captain Byron P. Ayers. Captain Ayers was born in Ohio, educated for a teacher, but studied law and wandered westward until he reached the territory of Kansas. He took some interest in territorial politics and was elected chief clerk of the territorial council back in the fifties. When the war came he was made captain of one of the Kansas companies, fought with Lyon at Wilson's Creek, with Blunt at Prairie Grove, and in the other battles of the West. With a wide acquaintance among the leading men of the new state and a creditable record as a soldier, his prospects were bright, but John Barleycorn got a strangle hold on him and made his life a failure. He seemed to me to be a man who had been more than ordinarily gifted by nature and with really great possibilities, but who had entirely given up the fight. When knocked down in the first round he lacked the energy, determination, and courage to get up and fight again. To the hour of his death, how-

ever, he retained a certain marked dignity of bearing and distinction of presence which would have caused him to attract attention in any assembly. His conversation was remarkably free from inaccuracies of expression, his literary taste was excellent, and even when fairly well "tanked up" he was never guilty of vulgarity or maudlin silliness. He was, in fact, rather more dignified and precise when full than when sober.

His regular habitation was in the little hamlet called Sun City, but having been elected county attorney, an office which paid, as I recall, $500 a year in "scrip," worth at that time from fifteen to twenty cents on the dollar, he was a frequent visitor at the Lodge, and when there slept in the hayloft of the livery stable. It must not be supposed, however, that this was any disgrace. In fact, nearly everybody who did not happen to have homes of their own slept in the livery stable.

One morning, following an evening and night of unusual potations, Cap awoke with that feeling that comes "the morning after." His eyes were bloodshot, and millet straw and millet seed were plentifully mingled with his hair and long auburn beard. Altogether he was a picture of disconsolateness and disgust. He sat up and turning to a fellow lodger he said in a mournful, almost sepulchral voice: "Ten thousand years hence, when we both are dead and damned, our ghosts will sit on the dark Plutonian shore and read the record of our misspent lives by the red glare of hell."

Speaking of Captain Ayers brings to mind another remarkable character, who came to the Lodge later. He always signed his name Dr. G. W. Ayers. He was a horse doctor, possessed of a most remarkable vocabulary, and a facility for original and striking expressions such as I have never seen equaled. I think that Doc and truth had never met, or at least had never formed a speaking acquaintance. There were times

when I considered him one of the most spontaneous and delightful old liars I ever met. Back in 1874, several years before I reached Barber County, there was a saloon row in the frontier drink emporium, in the course of which Captain Byron P. Ayers was slightly wounded.

Doc Ayers came to the Lodge during the early eighties, but one day, forgetting that I knew when he arrived, he entertained me with an account of the old saloon row.

"I was the only doctor in the town," he said. "They sent for me. I found when I got there that a bullet had plowed across Cap Ayers' midriff and let his bowels out. It occurred to me, when I looked him over, that he had more bowels than he needed and so I cut off a couple of feet of intestines, put the rest back and sewed him up."

This most marvelous surgical operation performed by a horse doctor, he assured me, caused Captain Ayers little inconvenience.

For many years the body of Capt. Byron P. Ayers has lain in what I presume is an unmarked and uncared for grave. As I think of his wasted talent I am reminded of Whittier's

> "Of all sad words of tongue or pen
> The saddest are these: 'It might have been!' "

When Slaves Were Hunted in Kansas

The first volume of Kansas reports of the supreme court also contains the reports of the territorial court of the last year of Kansas territory. In this as in all the Kansas reports there are a good many human interest stories, among them one relating to the last

days of slavery when Kansas was the battle ground and the nation was rapidly drifting into the maelstrom of war.

On January 2, 1859, a slave named Peter Fisher escaped from Kentucky and for some reason, instead of taking the short cut to Canada and freedom seems to have headed westward and landed in Kansas territory. Here he fell in with a friend, one Lewis L. Weld, of Leavenworth County, who took him into his employment.

The owners of Fisher were two minors, John O. Hutchison and Anna Belle Hutchison, whose alleged guardian, somehow getting track of Peter, followed him into the territory.

If he supposed, however, that it would be very easy to get the fugitive and carry him back to bondage from a United States territory, he was disillusioned. Judging from the indictment found by the territorial grand jury things were lively when he found his negro. The indictment reads as follows: "Lewis Weld with force of arms to wit: with a club, knife, pistol and other hurtful weapons did aid the said Peter to escape," etc.

It is entirely probable also that Peter himself took a hand with some of the "other hurtful weapons," quite probably with a hoe, fork, corn cutter, and such other farm implements as were "convenient and effective."

Lewis Weld was promptly arrested under the Fugitive Slave Act and as promptly indicted by the grand jury, made up no doubt of Southern sympathizers from the bordering state of Missouri. Weld's attorneys filed a motion to quash the indictment and the motion came on to be heard before Chief Justice Pettit of the territorial court. Weld's attorneys urged eleven objections to the indictment, the first being that the

party who made the arrest had no authority to do so under the provisions of the Fugitive Slave Law. Judge Pettit sustained this objection as well as five others, though one wonders, if the first objection was well taken, why the need of any others. The language of the opinion indicates the difficulties under which the courts of that early period labored. Judge Pettit says: This opinion has been hastily written in the midst of turmoil and confusion; in the absence of a library to consult and without time to correct or pay much attention to legal diction; but I am confident that in its main features it will stand the test of the most searching and rigid legal and judicial criticism." So far as I know, the judge's confidence in the soundness of his opinion was never shaken by the adverse decision of a higher court and Weld does not seem to have been again arrested. What became of the fugitive, Fisher, I do not know, but it is safe to assume that he never again was reduced to slavery.

Pettit was a man of ability and considerable distinction. He was born at Sacket Harbor, June 24, 1807, was admitted to the bar in 1831 and engaged in the practice of the law at Lafayette, in the then new state of Indiana. He served three terms in Congress and a short time as senator from the state of Indiana and was appointed chief justice of the territory of Kansas in 1859, by President Buchanan, serving in that capacity until Kansas was admitted to the Union. While in the course of the opinion above referred to, he very frankly expresses his sympathy for the institution of slavery and especially his commendation of the Fugitive Slave Law, his pride in his opinion as a lawyer was stronger than his prejudice against the man who would aid an escaping slave. After the territorial court gave place to the state courts, Judge Pettit moved back to Indiana, still firm in the Demo-

cratic faith and probably at heart a sympathizer with the South, as he was selected as a delegate to the Democratic convention of 1864, which made the famous platform declaration that the war was a failure, and demanding a compromise with the Confederacy, a declaration by the way which kept the Democratic party out of power nationally for more than a quarter of a century.

In 1870 Judge Pettit was elected to the supreme court in Indiana where he served until 1876. He died at Lafayette, June 17, 1877, within one week of his seventieth birthday.

A Frontier Foot Race

BARBER COUNTY was unique in that it was fairly well timbered, while east and north of it was a treeless prairie. For several years after the first settlement, a considerable part of the male inhabitants of the county made a living for themselves and families by hauling cedar posts to Wichita and Hutchinson. The posts were gathered out of the canyons of Barber and Comanche Counties. In addition to the cedar, there were found along the numerous streams very considerable groves of cottonwood, elm, hackberry, and walnut. As most of the timber grew on government land, that is on land the government held in trust for the Osage Indians, no one had a legal right to cut and haul away any of it, but in these days by common consent certain laws were respected and others were not. While the settlers in Barber considered it entirely legitimate to cut and haul timber from the government land either to sell it or use it for fuel, they drew the line to a considerable extent on outsiders.

It was not uncommon for some Barberite, who had secured an appointment as deputy United States marshal, to arrest some impecunious woodhauler from Harper, Pratt, or Kingman County, make him give up his load and in some cases what money he might happen to have on his person, under threat that if he refused to come across he would be dragged before a United States court and jailed and fined. It is only

fair to say that not many men would engage in this sort of a blackmailing scheme, but a few unprincipled scoundrels did make some revenue in that way. One day a party of Harper men drove over into Barber and loaded their wagons with firewood cut from government land. Among them was a boy of perhaps fifteen by the name of Kittleman. The woodhaulers made the mistake of driving through the town of Medicine Lodge with their loads. The sheriff and his deputy, who were not very busy that day, arrested the Harper men, compelled them to unload, and, with some admonitions about the seriousness of cutting and removing timber from public lands, permitted them to proceed homeward with empty wagons, sadder and also decidedly madder men than they were before. Their despoilers regarded it a good joke on the Harper men, and also an easy way of securing firewood, for they immediately appropriated the loads which had been gathered with much labor and perspiration by the men from Harper.

Young Kittleman treasured the memory of that transaction and determined that some time he would get even with Medicine Lodge. He was a wonderfully active boy and as he grew developed a passion for athletic sports, especially foot racing. When he was perhaps seventeen or eighteen his attention was called to a prize that was offered by the county fair association of Sumner County, for the man or boy who could run 100 yards in the shortest time, and young Kittleman determined to try for the prize. The purse was large enough to attract a professional foot racer who beat the Harper lad, but he made such a phenomenal showing for an untrained racer that he attracted the attention of a professional foot racer and trainer, who proposed to undertake his training with the idea of becoming his manager afterward. Under the careful

instruction of this trainer, Kittleman within a couple of years developed into the swiftest short distance runner in the United States and probably in the world. As his fame spread, however, there still lingered in his mind the humiliation of having been wronged on that wood deal years before. While he was running races from the Atlantic to the Pacific, he was figuring betimes on a plan to get even.

In the railroadless frontier town there was not much to do and time often hung heavy on the hands of the resident sports. They necessarily had to depend on their own resources for amusement. Pony races were a favorite form of diversion, but local foot races were a close second. Young men and some who were not so young, who thought they could run, would go out on the prairie, take off boots and socks, and run barefoot. Small wagers of from $1 to $5 were made to increase the interest. One day a lean sinewy young man came in on the overland stage and announced that he was looking for a location for a sheep ranch. A local foot race was on and to pass away the time the prospective sheep rancher strolled out with the crowd. He seemed quite a good deal interested; said that he had always taken great interest in athletics and especially foot racing; in fact had at one time been a professional foot racer himself and still kept his racing shoes and tights as mementoes of his former triumphs. The local racers immediately began to coax him to give an exhibition of his ability; most of them had never seen a professional foot racer in action. The young man, who said his name was Calder, at first was reluctant; said that he had given up all that sort of thing when he made up his mind to settle down on a ranch, but finally agreed, just to be a good fellow, that he would give an exhibition of his prowess. His running was a revelation to the Medicine Lodgers. He

could run so much faster than the swiftest of them, that they almost seemed to be standing still. Then, too, when dressed in his scanty racing costume he seemed to them like a perfect specimen of a runner. One of his stunts was to beat a horse running 100 yards. He would run fifty yards, turn at a post set in the ground, and then back to the starting point. Where he had the advantage of the horse was in the quicker start and the ability to turn at the post before the horse could either stop or turn.

The admiration and confidence in Calder grew apace among the Medicine Lodgers. They were satisfied that he was a world beater; in fact he assured them that he was probably the swiftest man on foot in the world. True, he didn't seem to be making any particular effort to find a sheep ranch, but they did not think of that until afterward. Finally a local sport asked Calder if he knew M. K. Kittleman. He said that he had never heard of him. He was told that Kittleman claimed to be a great runner and had made the Harper people believe that he was about the fastest man who ever came down the pike. Calder smiled knowingly; said that he had seen local runners who got that fool idea in their heads until they ran up against some person like himself who could really run, and then they discovered that they couldn't deliver the goods. There was some old time rivalry between Medicine Lodge and Harper and here was chance to take the railroad town down a few notches. Word was sent to the Harper people that if they thought their man Kittleman was a runner, to bring him over to the Lodge where there was a man who would trim him. Kittleman was willing, suspiciously, joyously willing, as was recalled afterward. A purse was made up by Medicine Lodgers of $100 with the privilege of betting all they cared to on the side.

The race was to start with the shot of a revolver,

the distance 100 yards. When Kittleman stripped for the contest there was a look of surprise on the faces of a good many Medicine Lodge sports. At that time Kittleman was the finest specimen of physical manhood I have ever seen. He stood nearly six feet and was magnificently proportioned. Without an ounce of surplus flesh and apparently no over development, his muscles rippled under his skin, which was white as marble and soft as satin. For the first time the backers of Calder discovered that in point of physical development their supposed champion was no match for the Harper lad. But they had seen him run and had confidence. Besides, had he not assured them that he was the fastest runner in the United States and that he would make that man Kittleman look like a tortoise? So they cheerfully bet their substance, which Kittleman and his backers eagerly covered and hungered for more. At the crack of the pistol Kittleman seemed to shoot through the air like an arrow from a bow. At the first bound he covered at least twenty-five feet and the Medicine Lodge sports knew that their money was gone. Calder was beaten about ten yards and at that Kittleman seemed to make little effort.

When the stake money was handed over to the victor Calder burst into tears; said that he had bet every dollar he had in the world on himself and that now he was dead broke among comparative strangers. His plea touched the hearts of the cowboys who immediately took up a collection for his benefit and, though they had been losers themselves, turned over to him $25 or $30, sufficient to pay his way back to his friends. The next day the Medicine Lodgers learned that Kittleman and Calder were having a very pleasant time together in Harper, as they divided their winnings, according to previous arrangement.

"I think may be," remarked Kittleman afterward,

"that I am even with those —— —— Medicine Lodge fellows for that load of wood."

Recollections of a Frontier Sheriff

No one would suppose from looking at the rugged form and face of the present mayor of the city of Wellington, that he has lived long enough to have been a peace officer and terror to evil doers along the border almost half a century ago, but the fact is that away back in the seventies Joe Thralls had already established a reputation as a hunter of criminals that was known all along the border. Cool, tireless, fearless, and yet never reckless, he had a record of generally getting the men he went after, no matter how desperate they were, or how great the difficulties in the way of the man-hunter. In the storehouse of his memory there are many interesting stories and some of them he has been induced to tell.

"I guess," said the ex-sheriff, in a reminiscent way, "that the year 1874 was about the worst year that Sumner County ever experienced. First, there was the drouth that cooked almost everything, and then came the grasshoppers and cleaned up what little was left. On top of all this trouble, came the news that the Indians were about to go on the warpath. There were some killings, too. Pat Hennesy and some other white men were killed that summer down on the old Chisholm trail, where the town of Hennesy is located, and John D. Miles, the agent at Darlington, had warned the settlers that an outbreak was threatened and that the settlers along the Kansas border had better prepare for the worst.

"At two o'clock in the morning of July 6, a little sawed-off freighter by the name of Fletcher rode into Wellington yelling 'Indians' at every jump of his horse and appealing for men and arms to defend Caldwell against the antici-

pated attack. In answer to this appeal, twenty-one citizens of Wellington armed themselves, saddled their horses, and set out for Caldwell. The Indian scare had driven most of the horse thieves operating down in the Territory into Caldwell. They were worse than the Indians and when we found a bunch of them eating breakfast at Caldwell it made us want to turn the Indian hunt into a horse-thief capturing expedition. So bold had these thieves become that one of them told one of Vail and Williamson's men who were waiting to start their stage line in the territory, that the stage company's mules, which had been stolen a few weeks before, were now on Polecat Creek, south of Caldwell, and asked him what the stage company was going to do about it. Soon after breakfast scouts came in from the south and reported that there were no Indians within several miles of the border. J. C. Hopkins and his brother were at that time running the Pond Creek ranch, twenty-five miles south of Caldwell, where they had a store and about 600 head of cattle.

"They had been in Caldwell several days on account of the Indian scare and after hearing this report from the scouts they decided to go back to the ranch. They started out alone and within an hour eight well known toughs and thieves were following them. We believed that it was the intention of these thieves to kill the Hopkins brothers, run off their stock, loot the store, and then charge the crime up to the Indians. A party of us decided to follow them. The party was made up of Bill Hackney, Jim Stipp, John Kirk, A. W. Shearman, C. S. Broadbent, Capt. L. K. Myers, W. E. and J. M. Thralls.

"After a brisk ride we caught up with the thieves, who were riding a short distance behind the two Hopkins brothers. When we rode up they stopped and were apparently holding a conference, but they followed on after our party. We had caught up with the Hopkins brothers, who were mighty glad to see us, for they had also guessed that the purpose of the thieves was to murder them.

"On arriving at Polecat ranch, we stopped to let our horses feed on the grass for an hour or two. We had nothing to eat ourselves. The thieves came up and stopped,

also. One of our party carried a three-band Sharp's needle gun and a belt full of cartridges. A gun of that kind was a very valuable asset in those days, although dangerous at both ends when fired. The thieves coveted this gun so much that they were willing at one time to measure strength with our party to get it. They even demanded it, and finally said that if we didn't give it up, they would take it just the same. Everybody was ready on our side for them to open the ball, when Bill Hackney, who then was in his prime, opened up on the thieves in characteristic Hackney style. I have heard Bill cuss a good many times, but never heard him do as artistic a job as he did that day. The rest of us were no mollycoddles, but Bill's language almost made us shudder. In substance, Bill spoke as follows: 'If you ——— sons of ——— want that gun, come and get it, but I want to say that if one of you makes a move in that direction, there will be a lot of dead horse thieves left here on the ground for buzzard feed.'

"Bill's defiance had its effect. The thieves looked Bill and the rest of the party over and decided that the job was too dangerous. Had the fight commenced we might have lost some of our party, but that whole bunch of thieves would almost certainly have died, which would have saved a lynching party the trouble of hanging two of them a few days after that on Slate Creek.

"The first murder that was committed in Wellington," continued the mayor, "was in May, 1872. It resulted in a lynching and as a rather singular coincidence the man lynched was named Lynch; also it may be said in passing that Lynch was lynched for the murder of a man he did not kill. True, he probably deserved hanging on general principles, but he was not guilty of that particular crime.

"Two hunters, named Smith and Blanchard, known as 'Red Shirt,' on account of the fiery red shirt he wore, came to town and were painting it red, drinking and gambling. During the day they met Lynch, a gambler and all-round tough, who owned a race horse and went swaggering around with a pair of revolvers belted on as part of his dress.

"The four continued drinking, gambling, and quarreling

all afternoon and evening, and about nine o'clock Smith and Lynch drew their guns, but were prevented from shooting at the time, and both left the saloon, each swearing he would get the other. Lynch, with his gun in his hand, went out at the north front door and turned east, stopping a few feet east of the door, where he was in the shadow and could watch the front door of the saloon. He had been there only a few minutes when Smith stepped to the front door. Lynch, without warning, fired at him from a distance of not more than ten feet. The ball struck the outside door casing, plowed through the soft pine for about eight inches and struck Smith in the breast, going through his outside clothing and lodging against his undershirt. Lynch, no doubt, supposing that he had killed his man, ran across the public square in a northwesterly direction, firing two more shots as he ran. He was evidently carrying both his guns cocked and pointed downward, and must have unconsciously pulled the triggers in his excitement. As a result, he put a bullet through each of his feet. When Smith was hit he jumped back inside the saloon exclaiming, 'I am shot,' but finding that he was not hurt much, he jerked out his gun and ran out of the south rear door of the saloon, looking for Lynch. He saw a man standing just east and in line with the saloon and, supposing it was Lynch, fired, killing a man by the name of Maxwell, who lived on the Chickaskia River, not far from Drury.

"Maxwell had come to town on an errand of mercy and charity, to solicit aid for two of his unfortunate neighbors and their families who had had the misfortune to lose everything they had in the way of buildings, furniture, and feed in a terrible prairie fire. When Smith saw the mistake he had made, he determined to fasten the crime on Lynch, and with the aid of his pal 'Red Shirt,' he succeeded in making the people believe that Maxwell had been killed by Lynch. Maxwell was a good man, popular with his neighbors, and his murder aroused great indignation. Next day his neighbors began arriving in town. By midnight there were more than a hundred of them. Meantime Smith and Blanchard, 'Red Shirt,' having succeeded in throwing

the blame for the killing on Lynch, decided that they would get out of town while the getting was good. The settlers, neighbors of the dead man, while perhaps not doubting that it was Lynch who fired the fatal shot, felt that in a way the other two were partly responsible for the murder and insisted that they should be arrested. A posse started after them, followed them for thirty or forty miles, and then lost their trail. Lynch had been arrested and kept in concealment by the officers, but early Sunday morning the searchers discovered where he was hidden and he was taken in charge by the vigilance committee. Lynch realized that death was near and sent for a lawyer to make his will. D. N. Caldwell, then a young man out of law school, declined the job. He said that he was young and inexperienced and it would be better to get an old lawyer to do the job. So Judge Riggs was sent for, drew the last will and testament of the condemned man, who bequeathed all of his property to a sister living in another state. With the preliminaries disposed of at the command of the leader, the mob of one hundred men or more marched quietly to where Lynch was being held, placed him on his own horse and with a double row of guards on either side he was taken down to the timber on Slate Creek, where a rope was placed about his neck and fastened to a limb, and then his horse was led away. Although the real murderer was not hanged, the execution had a salutary effect on evil doers for years afterward. Still it can hardly be said that justice has been satisfied, for the man who did murder Maxwell still lives.

"The body of Lynch was buried in the Potters' Field at the old cemetery and for many years those passing along the road were shown a low lying mound marking the grave where rested the body of the first man hung for murder in Sumner County."

The Looting of a County

If ever there was a municipal organization conceived in sin and brought forth in iniquity it was the organization of Barber County. During the early seventies

it occurred to a number of enterprising thieves that the organization of counties in central and western Kansas offered an inviting field for exploitation at comparatively little risk to the exploiters. There were practically no permanent residents in that part of the state at that time and consequently few who had a personal interest in preventing the robbery consummated under forms of law.

The statute governing the organization of new counties required at that time at least 600 *bona fide* inhabitants within the territory to be organized. In 1872 there were probably not more than 100 *bona fide* inhabitants in the territory included within the boundaries of the proposed county, but that fact presented no impediment to the predatory gang which had perfected its plan of loot. A census taker was appointed who was void of either conscience or fear of future punishment, and from convenient hotel registers he copied the requisite number of names, swore that they were *bona fide* residents within the territory of the proposed county, and the preliminaries were arranged with an ease and speed which would have excited the envy of a professional highwayman.

There were some honest men even then living in the territory which now composes the county of Barber, but as I have intimated, they had no vested interest in the country. They were the possessors of herds of cattle of varying size, grazing on the native grasses, but they did not expect to remain permanently in that country. Unfortunately most men are so constituted that they do not become deeply concerned about graft unless that graft touches them in some way. So the conditions were particularly favorable for the highbinders who figured out a scheme of organizing counties, loading them with bonds, selling the bonds to supposed innocent purchasers, pocketing the proceeds and,

when the harvest of loot had been gathered, folding their tents like the Arab and silently stealing away.

The first meeting of the new board of county commissioners, so far as the records show, was held in Medicine Lodge on July 7, 1873. These commissioners were not the master spirits in the conspiracy, but they were willing servants and showed the industry of the busy bee, which flits from flower to flower gathering honey as it flits. About the first business of importance transacted was to issue $25,000 in county warrants to one C. C. Beemis, in consideration of which he was supposed to build a court house. It, of course, showed great confidence in the integrity of Mr. Beemis to issue to him the entire contract price before he had furnished a brick, a board, or a nail that was to go into the building, but the confidence seemed to have been misplaced, as Mr. Beemis did not even commence the erection of the court house. His failure, however, did not interfere with the friendly relations or confidence of the board of commissioners, who made no effort to compel him to fulfill his contract or return the warrants which had been issued. In fact the commissioners acted on the theory that if at first you don't succeed try, try again, and next time proposed to vote bonds to build a court house to the extent of $40,000. By that time some of the residents of the county, although temporary, objected to the issuance of more bonds or warrants to build a court house, in view of the fact that $25,000 had already been stolen, and they rallied enough votes to defeat the bonds. This, however, did not dash or discourage the commissioners, who issued the warrants anyhow, and then through an act of the Legislature put through by the leader of the gang, the first legislative member from Barber, they issued funding bonds to cover the debt. Still no court house was built. Not a brick was laid

or a single foundation stone. The busy board had also issued some forty or fifty thousand dollars in warrants to build bridges and, considering the number of streams there are in the county, I have no doubt they were astonished at their own moderation.

The bridges were not built, but then they might have stolen more. At the instance of members of the gang a railroad corporation called the Nebraska, Kansas & Southwestern was organized. Not only in the language of a former member of the Kansas Legislature did this road "not terminate at either end" but it had no existence except on paper. Yet the looters managed to put over an alleged bond election by which the new county voted $100,000 ten per cent bonds to this mythical corporation and then, in violation of the spirit if not the letter of the law under which the road was supposed to be built before the bonds were issued, the board of commissioners issued and sold the bonds without there being a single mile of road constructed. The bonds passed into the hands of an English capitalist, a member of the British Parliament. Afterward the taxpayers of Barber resisted payment of the bonds, and carried the litigation through the courts up to the supreme court, but they lost in the end and are to-day paying the principal and interest of that utterly fraudulent obligation.

Finally, the shameless stealings of the looters roused the fury of the settlers, who were coming to look on the county, with its clear streams, its beautiful valleys, its sweet hills and groves and canyons as their permanent abiding place. So they formed their vigilance committee, with the avowed and laudable purpose of hanging the thieves. They did round up a part of the gang, but made the fatal error of permitting them to talk. The spokesman for the gang offered to restore the loot already taken and to leave the county forever.

They did leave the county, but took with them the county warrant books and county seal, and from the safe retreat of Hutchinson they proceeded to issue new evidence of indebtedness against the sorely plundered municipality. Of course, it is unnecessary to say that they never restored any of the plunder they had garnered under forms of law. A member of the vigilance committee was heard afterwards to remark, "If we hadn't been a passel of dam fools we would a-hung them blank-blank sons-of-blank first and then listened to what they had to say afterwards."

The Old-Time Deestrict School

"When I was a boy going to a country school," said an old timer, "we had what was known far and wide as about the toughest district school in the state. There were six big boys, ranging from sixteen to twenty or twenty-one years old. Most of them were great, husky fellows and one or two would weigh fully 175 pounds." These young fellows bullied the rest of the school, especially the little boys, and in school did just about as they pleased. They boasted that they would whip any teacher who undertook to make them mind his rules and it may be said they were ready and anxious to make good the threat. They usually intimidated the teacher and ran the school according to their own notion. Two teachers had undertaken to control them and were beaten up and run out of school as a consequence. The fame of our school extended until it was difficult to get any teacher.

One fall day there appeared in the neighborhood a rather small, although trimly built young man, who said that he was an applicant for the job of teaching school. The leading director looked him over and then said:

"I guess, young man, that you never have heard much about this school or you wouldn't hanker after the job. There are at least six boys in our school bigger than you and any one of them, I think, could handle you in a fight, unless you are a much better man than you look to be. The boys are tarnal mean, and I would be glad to see a teacher who could trim them as they deserve, but you haven't the heft to handle the job and get away with it. Last winter the teacher lasted just two weeks. Then them pesky youngsters took him out and ducked him in the pond and told him to hit the road away from the schoolhouse and keep goin', which he did. Winter before last we got a big fellow to teach the school, who had something of a reputation as a fighter. He did a great deal of talkin' about how he would bring the boys to time, but when it came to the test the boys combined and beat him up and whipped him till he had to go to bed for a week. He quit right then. He would weigh fifty pounds more than you and if he couldn't handle the job I don't see no chance for you."

The young man listened quietly and replied mildly that he didn't think he would have any serious trouble with these young men; that he always got along pretty well with young folks, especially with boys, and that he would like to have a chance to see what he could do.

"Well," said the old farmer-director, "I will call the board together and present your application. If the other two are willin' I will give you a trial, because it's gettin' to be nearly impossible to get a teacher, but I give you fair warnin' that I don't think you will last more than a week, unless you give in and let them fellers run the school."

Well, the directors finally concluded that they would give the slim young teacher a chance to try his hand, not that they had any faith in his ability to control

the school, but the law required that there should be a school and there were no other applicants.

On the first day of school all the big six were on hand. There was Bill Stevens, who was a leader of the gang, twenty years old, and would weigh fully 175 pounds and there was no surplus flesh. Jack Williams was his second, nearly as big as Bill and just as mean. Then there was Tom Walker, nineteen years old, weighed about 160 pounds; Elias Tompkins, about the same age and weight; Lige Sangers, eighteen years old, weighed about 150 pounds, and Tobe Elder, the youngest and also one of the meanest in the gang. He was only seventeen years old but he was as big and husky as the average young man when twenty years old.

They slouched into school with Bill Stevens in the lead and sat down with their hats on. The young slender, mild-looking teacher called the school to order and then in a gentle voice said, "All the pupils will take off their hats, please."

As the members of the gang did not remove their hats, the teacher turning to Bill Stevens said, still speaking in his easy mild tone of voice with no trace of excitement or irritation:

"Perhaps you young gentlemen did not understand my request. I always make it a rule in my school to have all the pupils remove their hats."

"Yes," said Bill insolently, "we heard you all right, but we ain't accustomed to removin' our hats, we are somewhat afraid we will ketch cold in the haid."

"There is no danger, I think, of your catching cold in the head in this house, at any rate I guess we will have to risk it. I will have to ask you again to remove your hats."

All the answer he got was a sneering laugh from the six. Not one of them made any move toward removing his hat. Then a most surprising thing happened. The

slender young teacher, with a swiftness that was astounding, kicked Bill's hat from his head and then with a lightning blow hit the big bully fair on the point of the chin, knocking him senseless to the floor. The fight was on. Jack Williams came on with a bellow of rage and the others joined the rush toward the teacher. With surprising agility he avoided the onslaught and so maneuvered that Jack was separated from his fellows. Jack was trying to clinch, but while he had been in many a rough and tumble fight he knew little about guarding his face, and a smashing blow at the butt of the ear sent him to join his leader in dreamland. The other four were already sensing the fact that this was an entirely different sort of a teacher from any they had ever had any experience with heretofore, but the fight was not out of them yet.

"Close in on him," yelled Tom Walker and all the four tried to get in together. As they came on the slender teacher deftly tripped the leader to the floor, piled two others on top of him and smashed the face of the fourth with a blow that brought the blood pouring from his nose. Then as fast as the young fellows tried to get up he smashed them, tripped them, and mauled them until bloody and discomfited they were ready to quit. By this time Bill Stevens was recovering consciousness. He slowly staggered to his feet when he was floored with a left to his face and a terrific jolt on his solar plexus with the right, which not only put him down and out, but left him writhing in agony. In a few minutes the fight was over. The slender teacher was breathing a little more quickly than under ordinary conditions, but there was not a mark of the conflict on his person and his voice showed no indication of excitement.

"Take your seats, young gentlemen," he said quietly and they did. "Remove your hats." The hats went

off. "There is the basin which I brought to school this morning and there is the water. William Stevens, if you feel able to walk, go and wash your face and hands and then return to your seat quietly." Bill staggered to the water pail and proceeded dizzily with his ablutions. He was followed in regular order by the other members of the gang. And then a most crestfallen and battered six waited for further orders.

"Young gentlemen," said the teacher, "this has been an interesting and I may say enjoyable occasion. During my six years as trainer in boxing, wrestling, and general athletics, I never have experienced a more exhilarating five minutes, but I must say that while you have the making of fairly good boxers, that is, some of you have, you are very deficient in knowledge of the manly art. During the winter I expect to give you some instruction in the art of self-defense, but only on one condition and that is that you learn to be good sports. The really good sport is always a gentleman. He will not strike a foul blow or take advantage of a weaker opponent. You young men have not been good sports. You have joined your forces and whipped teachers who were no more than a match for any one of you and have gloried in bullying the school. Now I wish to have an understanding. Have you had enough? If not we will settle this right now, but I promise you in advance that when I finish with you, you will not be able to attend school for several days. What do you say?"

Bill Stevens spoke for the gang. His words came from between badly puffed lips, as he gazed at the teacher from eyes that were fast closing. "You're a he man, all right, though you don't look it. Whatever you say goes with this gang."

That term of school worked a complete reformation on the bullies. They were diligent in attendance and

most of them made good progress. Bill Stevens afterward went to college and became a leading business man in the city in which he located. In after life he often said: "That was the most painful and most profitable five minutes I ever spent in my life."

The Downfall of Pomeroy

In the legislative session of 1873 the senatorial election so overshadowed every other issue that little if anything is remembered of what was accomplished in the way of general legislation. The great question to be decided was the election or defeat of Samuel C. Pomeroy for the United States Senate.

Pomeroy had served twelve years as senator and had a powerful political following, but he had also powerful and adroit opposition. It was less than eight years after the close of the Civil War and the veterans of that great conflict, still young and virile men, controlled the political and also, for the most part, all other enterprises of the state. Pomeroy was, as men went then, considered rather an old man, although only fifty-seven years of age, and still a man of powerful physique. During the noted dry year of 1860 he had been very active in securing aid for the Kansas settlers, especially corn, on account of which he was dubbed "Seed Corn Pomeroy," a play on the initials of his name.

In that early day Kansas was divided politically into factions and they warred with each other with a bitterness unknown in these modern times. The opponents of Pomeroy accused him of corruption and immorality, while his friends and ardent supporters insisted that he was a paragon of virtue and an incorruptible patriot. The opposition was led by perhaps

the most adroit politician in Kansas at that time, Major Ben F. Simpson, who numbered among his lieutenants such men as W. A. Johnson, senator from Anderson County; Colonel John P. St. John, afterwards governor, and three times candidate for president on the Prohibition ticket; Colonel Tom Moonlight, of Leavenworth, still the idol of the men who had followed him through his campaigns and battles; Colonel A. M. York, of Montgomery; Colonel Ely, of Linn, and Captain George R. Peck, then a brilliant and rising young lawyer. Among other men of prominence in that legislature were Colonel Marsh Murdock, General Blair, N. C. McFarland, afterwards commissioner of the general land office, and Rev. I. S. Kallock, whose sincerity and morality were sometimes questioned, but whose singular eloquence was always conceded. Pomeroy's campaign manager was Albert H. Horton, afterward himself a candidate for senator and for many years chief justice of the supreme court.

While the fight was bitter, the supporters of Pomeroy, counting perhaps on the divisions among the opposition, seemed reasonably confident of success, but were not taking any chances if they knew it. There were numerous stories floating about of attempts to bribe the supporters of other candidates and finally a trap was laid for the senator, planned by Ben Simpson, which resulted in the complete overthrow of Pomeroy, his retirement in disgrace from public life, and a narrow escape from a felon's cell. In pursuance of this plan, Colonel York called on Pomeroy at his room in the old Tefft House, located where the National now is, in the dead hour of the night and there bargained with him to sell his vote at the coming joint convention of the Senate and House, then only two days off, in consideration of the payment of $8,000, to be paid $2,000 down, $5,000 the next day and $1,000 after

the vote was cast. In accordance with this agreement, the story goes, Pomeroy paid over the $7,000.

On January 29, 1873, the two houses met in joint convention. Old timers say that there was certain tenseness in the atmosphere, a foreboding of the coming storm. When the convention was called to order, Colonel York advanced to the front and laid on the table two packages of money which he claimed he had received from Pomeroy and with dramatic earnestness gave in detail to the convention his deal with the senator. That speech would have been lost to the world if it had not been for a young and brilliant reporter, afterwards one of the most successful lawyers in Kansas or the West—Colonel W. H. Rossington, who was reporting for the old *Commonwealth*. York had no written speech. Rossington recognized the news value of the same to his story of the sensational event, and sitting down at his desk wrote the following remarkable speech as that delivered by the senator from Montgomery:

"Before I place in nomination the name of any man, I have a short explanation to make, and as it concerns all present and is of great importance to the state of Kansas, present and future, I desire the close attention of the members of the convention to what I have to say. Two weeks ago to-day I came to Topeka an avowed and earnest anti-Pomeroy man. I thought that in his defeat lay the regeneration of the state and party and I cheerfully and enthusiastically allied myself with the anti-Pomeroy element in the legislature. Grave charges had been made against Senator Pomeroy in connection with a certain letter to W. W. Ross. These charges had assumed a serious form in a meeting of the anti-Pomeroy caucus a few evenings ago when a man by the name of Clark exhibited $2,000 in twenty $100 bills, declaring that he had received the same from Pomeroy for signing a confession to the effect that he had forged the letter (to Ross) and the signature. I have no evidence as

to the truth of these charges, but Mr. Pomeroy's name being associated with so many rumors of the same nature might give the report credence.

"When I came here I had been waited on by friends of Mr. Pomeroy who plied me with arguments in favor of his preëminent fitness for the position and protestations of his innocence of the charges brought against him. I was asked several times to have an interview with Mr. Pomeroy and finally consented, provided this interview could take place in the presence of a third party. Mr. Pomeroy assented to the presence of one or any number of my friends. Accordingly on Friday last I waited on Mr. Pomeroy and there, in the presence of Captain Peck and two others, we had a brief conversation. I put to him direct the question: 'Did you or did you not write the letter signed with your name and directed to W. W. Ross having reference to certain profits on Indian goods?' In reply he handed me the affidavits of J. B. Stewart and one signed by several citizens of Lawrence and asked me to read them and then say whether I thought he was the author of the letter. 'Mr. Pomeroy, you have not said whether you wrote that Ross letter.' I then said further to him: 'Mr. Pomeroy, you are either the most infamous scoundrel that ever trod the earth or the worst defamed man that ever stepped on Kansas soil.' Here the interview ended and, as I supposed, ended all relations between myself and Mr. Pomeroy, but a day or two afterward I was importuned to accord Mr. Pomeroy a private interview. At the time it had become apparent that illicit and criminal means had been employed to secure Mr. Pomeroy's election and it became us as far as it lay in our power to circumvent them. I consulted with tried and trusted friends, Messrs. Simpson, Wilson, Johnson, and others as to the course I should pursue and upon their advice I acted. I visited Mr. Pomeroy's room in the dark and secret recess of the Tefft House on Monday night and at that interview my vote was bargained for for a consideration of $8,000: $2,000 of which was paid that evening, $5,000 the next afternoon and a promise of the additional $1,000 when my vote had been cast in his favor.

"I now, in the presence of this honorable body hand over

the amount of $7,000 as I received it and ask that it be counted by the secretary. I ask that the money be used to defray the expenses of investigating and prosecuting S. C. Pomeroy for bribery and corruption.

"I know that there are many present who may feel disposed to impugn my motives in this matter and decry the manner of my unearthing the deep and damning rascality, which has eaten like a plague spot into the fair name of this glorious young state. I am conscious that, standing here as I do a self-convicted bribe taker, I take upon myself vicariously the odium that has made the name of Kansas and Kansas politics a hissing and a byword throughout the land. I do not undertake the defense of my act any further than it may convey with it its own justification. From every part of the state comes the demand thunder-toned and unanimous from the masses, whose will has so long been disregarded and oversloughed by the corrupt use of money by individuals and corporations, that we make a final and irrevocable end of corruptionists. In this matter I have had the unpleasant and unenviable sensation of handling pitch which defileth, but my feelings were secondary to the common weal. In fact they were not taken into account. In a solemn exigency and forlorn hope of this kind I consider it a man's highest duty, in however questionable guise his service comes, to man the breach and if such a course needs its atoning victim I would gladly offer myself a sacrifice. I promised in consideration of $8,000 in hand paid to vote for Samuel C. Pomeroy and I now redeem that pledge by voting for him to serve a term in the penitentiary not to exceed twenty years.

"Mr. President and gentlemen, this is no new thing in the history of Kansas politics, I am pained to say. In every senatorial election has the same thing been repeated to our discomfiture and discredit, the will of the people as expressed at the ballot box has been defeated with money at this husting. This dishonored and dishonorable official approaches me, gentlemen, with confidence in his ability to buy men's souls; to prostitute their sacred honor. I have a name I am proud to say, that up to this time, with those who know me, has been free from reproach. Though a

young man I have striven to lead a reputable life and to be an exemplary member of society as far as my limited influence extends in deed as well as in thought. I have an aged mother who has been spared to bless me with her love. I have a wife and little ones to whom I hope to bequeath a name, no matter how obscure, they may have no reason to blush to hear pronounced; yet this corrupt old man comes to me and makes a bargain for my soul; makes me a proposition which if accepted in the faith and spirit in which it is offered, will make my children go through life with hung down heads and burning cheeks at every mention of the name of him who begot them. Earth has no infamy more damnable than corruption, no criminal more to be execrated than he who would corrupt the representatives of the people to further his private interests. I demand, gentlemen, that the actions of Samuel C. Pomeroy be thoroughly examined and that the corruption money which lies on the table be the instrument of retribution in prosecuting that investigation. I further demand that the members of this body give to-day such an expression of their sentiments in this matter that the regeneration of this glorious young commonwealth may be proclaimed throughout the land, so that Kansas may stand erect and free among the states of the union, pure among the purest and honored throughout the world.

"The statements I have made, gentlemen, are but partial and incomplete. The hour or two that I passed in that den of infamy in the Tefft House let in upon my mind such a flood of enlightenment as to the detestable practices of the Kansas politicians that I have no word to express the depth of degradation a once pure republican government has reached. The disclosures there made to me implicate some of the most prominent and respectable men in Kansas. I learned from Mr. Pomeroy that his spies and emissaries were working in our caucuses to sell us out. These disclosures I will not now make; they are sufficient to satisfy me that the most conscienceless, infamous betrayer of the trust reposed in him by the people of his state is Samuel C. Pomeroy. As to the truth of what I have stated, I stand in the presence of this august and honorable body of representatives of the sovereign people and before the Almighty

ruler of the universe I solemnly declare that every word I have spoken is God's truth and nothing but the truth."

The immediate effect of this speech was like a solar plexus blow to the supporters of Pomeroy. Some of his supporters rallied feebly to his defense but they could not reorganize his disrupted forces and amid intense excitement John J. Ingalls was elected to the United States Senate.

Afterward a committee was appointed by the United States Senate to investigate the conduct of Pomeroy, with a view to expelling him from that body if the charges were found to be true. The special committee appointed to make the investigation was composed of Senators Frelinghuysen, Buckingham, Alcorn, Vickers and Allen G. Thurman. Pomeroy did not deny giving the money to Senator York, but claimed that he had given it to him to be turned over to a man by the name of Page who intended to start a national bank in Independence, and to whom Pomeroy had agreed to make a temporary loan. That a business transaction of this character should have been consummated at the hour of midnight or later, less than forty-eight hours before the vote on senator was to be taken, must have struck the members of the special committee as decidedly peculiar if true, but after taking a good deal of testimony the committee brought in a sort of Scotch verdict of guilty but not proven. Senator Thurman brought in a minority report in which he said that the testimony convinced him that the charges against Pomeroy were true. No doubt the fact that Pomeroy had been defeated for reëlection and his term would end in a few weeks influenced the members of the committee.

Pomeroy retired disgraced and broken. He lived, however, for eighteen years, during which time he saw the rise of his successor to a place of great prominence

in the Senate, only finally to be swept out of office and out of power by the rise of a new political party in Kansas. About the time that Pomeroy, an old and feeble man, was on his deathbed, John J. Ingalls, the most brilliant representative ever sent to either house of Congress from Kansas, was watching his political sun set never to rise again.

Senator York, the instrument of Pomeroy's undoing, whether he meant it or not, correctly indicated the effect on him personally of his act. His political career ended with that session of the Legislature. Many of the great newspapers condemned him even while admitting the need to expose political corruption. His motives were impugned and his act characterized as one of treachery. There is, however, little doubt that his course was influenced by a real desire to serve his state and nation. For a good many years he lived quietly in the little city of Independence, the law partner of Lyman U. Humphrey, afterward governor of the state. Tragedy seemed to be connected with the York family. A brother of the senator was one of the victims of the noted family of murderers, the Benders, about whose final fate there has always clung an air of uncertainty and mystery.

If there was any need at this time for argument in favor of the election of United States senators by direct vote of the people it can be found by digging back into history of almost any of the old time elections of senators by the Legislature. Some of those elections were untainted by fraud or even the suspicion of corruption, but many of them were smirched by deals which placed an ineffaceable stain on the name of our state and at that, our senatorial elections were perhaps as clean as those of the average state in the Union.

When Newton Was the Wickedest Town

It is difficult for one who knows only the Newton of to-day or the Newton of many years past, to believe that there ever was a time when it was called the "wickedest town in Kansas," which, I may say in passing, was going some, for Kansas in the past has had some towns that in a competitive examination for wickedness would have given hell a neck and neck race. In the year 1871 the Atchison, Topeka & Santa Fe road was extended west as far as Newton and, for that brief summer, it became the terminus of the Texas cattle trail. During the season some 40,000 head of cattle were driven up from the great plains of Texas and shipped on to the Kansas City and Chicago markets from the then frontier town.

For that season the pace in Newton was fast and furious. The town was full of saloons and dance houses and possibly never had a more reckless and desperate element gathered in any town than filled these places of iniquity that hot and hectic season.

A vivid description of the Texas cattle herder is found in the Topeka *Commonwealth* of August 15, 1871. It is worth reproducing:

"The Texas cattle herder is a character, the like of which can be found nowhere else on earth. Of course he is unlearned and illiterate, with but few wants and meager ambition. His diet is principally navy plug and whisky and the occupation dearest to his heart is gambling. His dress consists of a flannel shirt with a handkerchief encircling his neck, butternut pants and a pair of long boots, in which are always the legs of his pants. His head is covered by a sombrero, which is a Mexican hat with a low crown and a brim of enormous dimensions. He generally wears a revolver on each side of his person, which he will use with as little hesitation on a man as on a wild animal. Such a character

is dangerous and desperate and each one has generally 'killed his man.' It was men of this class that composed the guerrilla bands like Quantrell's. There are good and honorable men among them, but the runaway boys and men who find it too hot for them even in Texas, join the cattle herders and constitute a large portion of them. They drink, swear, and fight, and life with them is a round of boisterous gayety and indulgence in sensual pleasures."

It was these wild, reckless men who thronged the dance halls of Newton in that summer of 1871 and furnished the material and setting for this story of tragedy and murder. Arthur Delaney, known as Mike McCluskie, was in the employ of the railroad company—a daring, fearless man, quiet, neither apparently seeking nor avoiding a fight, but handy with a gun and deadly in his aim. A few days before the fatal ninth of August, 1871, McCluskie had had an altercation with a desperate gambler and gunman from Texas by the name of Baylor. McCluskie was the quicker of the two on the draw and Baylor died with his boots on. His Texas pals vowed revenge. The news was carried to McCluskie that his life was in peril and that the Texans, led by Hugh Anderson, intended to murder him if he went to the Tuttle dance hall. With a reckless disregard of danger, McCluskie walked into the dance hall and engaged in conversation with one of the gang that had determined on his murder. Anderson, the leader, drew his gun and with an oath shot McCluskie through the neck. As he fell, mortally wounded, McCluskie drew his own gun and, half rising from the floor, pulled the trigger. The cartridge failed to explode, but the dying man, with two more bullets in his body, pulled the trigger again with all his dying strength, and this time wounded but did not kill the Texan. The other Texans opened fire on the dying man. Suddenly, a frail youth, in the last stages of

consumption, a friend of McCluskie, with the fighting name of Riley, appeared on the scene, shut the door of the dance hall, as the story goes, to prevent egress, and then coolly went into action. His gun barked once, twice, thrice, and yet again and again, and at each crash and red spurt of flame a Texan went down, until six men had fallen dead or wounded. By some strange freak of fate, this man who, apparently thinking that death was very near in any event, and who seemed weary of life and ready to throw it away in revenging his dead friend, was unharmed.

It was the greatest killing that Newton ever had and about the last. The better element of the new town, shocked by the tragedy, determined that the dance halls must go.

The next spring the railroad moved south to the town of Wichita. Newton settled down to an orderly and rather humdrum existence. The days of the cattle trail, the Texas herders, the dance halls, with their wild orgies, the bloody battles, the men weltering in their blood, all became a sort of ghastly memory. Few, perhaps none, of the men and women who lived in Newton in those wild days, are still alive, but the temporary sojourner in the town, as he strolls about between trains, may have pointed out to him the place where the dance hall stood and where the midnight battle was waged when Newton was young and had the unenviable reputation of being the wickedest town in Kansas.

An International Episode

During the year 1871 or '72 a Scotchman named George Grant, born near Aberdeen, came to Kansas and made a deal with the Union Pacific, then known as the Kansas Pacific, railroad by which he acquired

title to a large amount of railroad land in Ellis County, variously estimated at from 100,000 to 500,000 acres. Just how much land he did get is uncertain but it was a large tract and bought on most favorable terms so far as Grant was concerned, who was evidently possessed of a good deal of Scotch thrift and canniness in driving a bargain. The railroad company had received a vast land grant from the Government and the managers were anxious to have the country settled as soon as possible so as to make business for the road. George Grant bought the land at the rate of fifty cents per acre and did not even have to pay cash down at that. His agreement was to bring out a large colony of high grade Englishmen with money, who would settle on the land and stock it with blooded cattle, horses, and sheep.

The bargain having been closed, the enterprising advertising agent of the railroad proclaimed to the world that a vast tract of land had been sold to a British nobleman, Sir George Grant, knighted by the queen, a man of almost boundless wealth, who had decided to establish on the fertile prairies of Kansas an estate like those of the landed gentry of "Merry England."

As a matter of fact, the Scotchman had never been dowered with a title in the old world. He was a silk merchant who had been reasonably prosperous in trade and who saw a speculation in the Kansas land. The title, however, was a good advertisement. Kansas had had no genuine titled noblemen among her citizenship, and while the early Kansas man paid little deference to titles, he rather liked to say that an English lord was so enamored that he left his ancestral halls to settle out in western Kansas. The title also helped about getting the English squires, who do dote on titles, interested, and so it came about that Sir George man-

aged to create quite an interest among these British sires who were looking for locations for their sons. Also, it may be said that the Scotchman managed to do very well in the real estate business, selling the land, for which he had promised to pay the railroad company fifty cents per acre, to the Englishmen for as high as $15 per acre in some cases. He also built him an English villa, which was, in turn, press agented, and named the town he organized Victoria, in honor of the British queen.

In order to satisfy the religious proclivities of the colonists, he built a church which was duly dedicated by Bishop Vail of blessed memory. He also brought considerable blooded stock and several thousand sheep to graze upon the succulent grasses. For a time the plan worked with remarkable success. At one time there were two thousand Britishers in Sir George's colony, according to estimates of the truthful reporters. Maybe there were not so many, but there was a respectable number. Most of them were a failure as pioneers, so far as developing the country was concerned, but they had a really delightful time, hunting wolves and jack rabbits, riding to the chase dressed in typical English fashion, with their high topped boots and ridiculous little caps, and at evening gathering in the saloon run by one Tommy Drum, where they "stayed themselves with flagons," imbibed large quantities of "Scotch and soda" and with large volume of sound if not with melody, sang English songs. One of the favorites of these was a poetical description of a shipwreck, each stanza ending with the sad refrain "The ship went down with the fair young bride a thousand miles from shore."

It was while in a lachrymose state of mind, the result of frequent irrigation, that one of the young English "remittance" men became so wrought up over the

tragedy which happened to the "fair young bride" that he hurled a bottle through the large pier glass, which was Tommy Drum's delight and pride and which, when Fort Hays was an important military post, had often reflected the images of Generals Sherman, Sheridan, Custer and Phil Kearney, as they lined up in front of the bar and took their "regulars" of whisky straight, or perhaps with a dash of lemon to modify the roughness of the drink. The breaking of the glass caused Drum to run about in circles shouting "By the bolt!" "By the bolt!" which was his nearest approach to profanity. Nobody knew just what the expression meant, but it served to relieve Tommy's surcharged feelings when ordinary language did not fill the bill and for that matter it was more harmless and fully as sensible as any form of profanity.

It was at the thirst parlor of Tommy Drum, where occurred the international episode about which this story is written.

It was the evening of the Glorious Fourth of July and a number of the British scions and Americans had gathered and indulged in numerous potations, until they had reached the state where they were ready for argument, tears, or battle, when one of the Americans happened to remember that it was the natal day of our republic. Filled with highballs and patriotism, he proposed that they should sing "The Star-Spangled Banner."

The subjects of the queen objected. They didn't deem it fitting for Englishmen to sing the national air of this "blarsted republic." The only national song they would sing, they declared, was "God Save the Queen." For a time the Americans argued the matter in a bibulous sort of way, but the argument soon became heated. It was considered an international question and as the Britishers continued obdurate the

Americans felt that it was up to them to uphold the honor of their country.

So the ruction commenced and waxed fast and furious. The Britishers put up a game fight and left their marks on the countenances of their foes, but they were outnumbered. Now and then a well-directed blow from an American fist or chair or heavy bottle wielded with vigor put a subject of the queen out of the fight and then the battle became more one sided than before. A good deal of the saloon furniture was broken up and nearly every countenance, both British and American, bore marks of the conflict before it was ended by the American forces throwing the last of the Englishmen into the cellar.

The victors were standing guard over the stairway leading down to the basement when the late Judge Jim Reeder appeared upon the scene and asked what all the row was about.

The leader of the Americans, who was carrying a beautiful black eye and a somewhat damaged nose as souvenirs of the conflict, stated the case. "Thesh here Britishers," he said thickly, " 'fuse to shing 'Star-Spangled Banner,' an' thish is the glorish Fourth July —insis' on shingin' that dam British song 'God Shave th' Queen'—wouldn't stan' for it. Been a hell of a fight, but can't no Britisher inshult Star-Spangled Banner.' "

Judge Reeder asked for a chance to talk with the imprisoned Englishmen, but found them standing firmly, though battered, by their national anthem.

"Gentlemen," he said, "there should be peace between the mother country and ours. I have a proposition to make. Let the Americans sing the 'Star-Spangled Banner' and the Englishmen join in. After that we will permit the Englishmen to sing 'God Save the Queen.' Giving you loyal Americans the right to sing first is

an acknowledgment on their part that our glorious republic takes the precedence and then as a matter of courtesy they can be permitted to sing their national air."

At first the Americans were not disposed to yield. They insisted that they had whipped the blamed British and, as the leader of the Americans expressed it, "To the vic'or b'longs th' spoils." On the other hand, the British though temporarily overpowered were still game and unwilling to yield anything to their foes.

After much argument Judge Reeder induced both sides to agree to his suggestion. The badly battered Englishmen were permitted to come up out of the cellar. A drink was taken by all and the Americans were told to go on with their singing.

The leader started out bravely in a somewhat ragged voice: "O shay c'n you shee, by zhee dawn's er'y light." Here his recollection failed him and a comrade whose lip had been cut open during the festivities suggested disgustedly that "any fool ought to know better'n to shing 'Star-Spangled Banner' to the tune of 'John Brown's Body Lies a Mouldering in zhe Grave.' "

"Maybe," said the leader with bibulous gravity and indignation, "if you know so much 'bout shingin' you c'n shing this yourself."

The other American tried it but fell down on the second line. A number of others tried it but all failed either because they didn't know the words or the tune and most of them knew neither one.

They finally all gave it up and Judge Reeder said: "Well, gentlemen, you have had a fair chance to uphold the honor of our country in song and failed. It is no more than fair that the Englishmen have their chance. Proceed, gentlemen, to sing your national air, 'God Save the Queen.' "

The leader of the defeated party smiled as well as

his battered lips would permit and started in on the British anthem. He started, that was all. At the end of the first line his memory completely failed him and besides he was off the tune. Other loyal subjects of the Queen had no better success and finally gave it up.

Satisfied at last, the late antagonists then lined up at the bar, imbibed a drink by way of reconciliation, chipped in to pay for the furniture destroyed, and parted with mutual assurances that they had spent a most enjoyable evening.

Sir George Grant died in 1878, at the premature age of fifty-six, and was buried close by the church he had built. Hot winds and crop failures discouraged the colonists and they faded away. Their places were taken by a colony of subjects of the late Czar of Russia who have lived and prospered and grown rich where the followers of Sir George failed. Near the little church by which lies the body of Sir George Grant, has been erected one of the largest and most magnificent churches west of the Missouri River, paid for out of the earnings of these erstwhile Russian peasants who came to this country, poor in purse, but endowed with the industry, patience, and endurance necessary to make successful pioneers.

The Looting of Harper County

In the spring of 1873 a trio of scoundrels met in Baxter Springs for the purpose of organizing a conspiracy to plunder, that would be free from the ordinary risks incurred by the common thief, highwayman, or burglar and at the same time yield a greater financial reward. The conspirators were a couple of shyster lawyers of small practice and shady reputation, named W. H. Horner and A. W. Rucker and a thug and des-

perado by the name of William Boyd, who had been elected to the office of mayor by the lawless element that at that particular time was in control of the town. Boyd was a coarse, brutal murderer and gambler, who had killed the city marshal in cold blood a short time before, but had managed to get clear on the plea of self-defense. He was known as a crooked gambler and lived in open adultery with a negro mistress, but seems to have held the leadership and backing of the tough element, while the reputable citizens of the town were terrorized, held either by fear of personal violence if they opposed Boyd, or by the dread that they would be ruined in a business way if they did not cater to the lawless element. It was, no doubt, the crooked brain of Horner that planned the iniquity the three were to put on foot, but Boyd probably furnished the funds necessary to carry it out.

The plan was the fraudulent organization of Harper County. Horner was not particular about the location of the robbery, but Harper happened to furnish the most convenient territory. He assured the other conspirators that the plan was not only feasible but entirely safe and certain. All they had to do was to get up a petition alleging that there were at least 600 *bona fide* inhabitants in the county to be organized, have a census taken showing the names of such inhabitants, and present the same to the governor. Every thing would be regular on its face. The governor would issue his proclamation setting forth that a petition and census duly verified according to law had been presented and certain persons had been duly selected for county officers.

It was easy to gather up a gang of loafers from the Baxter Springs saloons and the party made up of conspirators and bums traveled westward. One of the loafers who was induced to join the party and repre-

sent the "*bona fide*" inhabitants, afterward told the story. He said that after they had traveled westward for several days Horner announced that they had reached Harper County. "And now," said Horner, "we will proceed to organize this county." The papers were already drawn up. The petition with 600 signatures, copied from Baxter Springs hotel registers, was ready to forward to the governor. Everything proceeded as merrily as a marriage feast, or perhaps a better simile would be the feasts of buzzards gathered about the carrion. The looters held an election in which not only Horner, Rucker and Boyd were duly elected to office but each of the loafers was given official honors. Horner was selected as representative of the county and in the regular session of 1874, although living at Baxter Springs, he brazenly appeared as representative from Harper County, was duly sworn in and served through the session.

The organization worked out as Horner had predicted. The petition with its forged signatures was presented to the governor, the proclamation was duly issued, and on August 20, 1873, Harper County was declared duly organized. Then the real purpose of the conspirators was put into execution and reaping of the harvest of loot began. Twenty-five thousand dollars in bonds were voted to build a court house and $15,000 funding bonds were issued. I believe the Legislature legalized the issue and then Horner gaily proceeded to unload the bonds on the "innocent purchaser." It is said that the $40,000 in bonds were sold for $30,000, and with his loot in his possession Horner went back to Baxter Springs to settle with his fellow conspirators. He undertook to give them the double cross, but Boyd had set detectives on his track when he went to St. Louis to sell the bonds, and knew the price for which they had been sold.

The story is that Horner took out of his pockets $15,000 cash, divided it into three parts and declared that he had been obliged to dispose of the bonds at a heavy discount and had as a matter of fact only received $15,000. At this point Boyd drew his gun, thrust it in the face of Horner, and after loading him with all the opprobrious and vile epithets he had in stock, told him that unless he came across with the other $15,000 he would kill him. Horner had every reason to believe that Boyd would not hesitate to do what he said and rapidly dug up the other $15,000 saying that his talk about $15,000 was just a joke. Boyd soon after left the town, but Horner and Rucker did not even have the grace to go away where their villainy would not be known. Rucker blossomed out as a loan shark, loaning money at from three to ten per cent per month. Horner's seat in the Legislature was declared vacant and the organization of Harper County a fraud, after all the damage had been done, but none of the thieves were punished for their crimes. The bar-room loafers who had been used by the conspirators complained considerably when they learned that Horner, Boyd, and Rucker had pulled down $10,000 apiece, but that availed them nothing.

The astonishing thing to me, after all, is that the thieves were satisfied with stealing $40,000. When they contemplated what was done in the adjoining county of Barber, they probably concluded that they were pikers. It would have been as easy to steal $100,000 as $40,000. Also, it is difficult to understand how the courts in these fraudulent bond cases could hold that the buyers were innocent purchasers. The very fact that the St. Louis parties who purchased these bonds paid only $30,000 for them was *prima facie* evidence that they knew the bonds were fraudulent. It is also very difficult to believe that the governor did

not know when he consented to the organization that the whole thing was a gross fraud, a monstrous iniquity.

The Legislature of 1874

The Legislature of 1874 met while the country was still in the grip of the panic of 1873. Hard times, as usual, had their political reaction and Kansas was being washed by the waves of reform. While the majority of the Legislature was nominally Republican, the reformers held the balance of power at least in the lower house and the men who talked loudest against the "money power" and harangued the longest against the burdens of taxation, gathered the biggest audiences and received the most applause. There was even threat of a new party, but the Republicans managed to keep control and elect the officers.

There was trouble, too, in the state house. The state treasurer, Hayes, was accused of misappropriation of public funds and was impeached and forced to resign. Hayes was an old man, probably incompetent to perform the duties of state treasurer, but was not a scoundrel. All this, however, added to the general dissatisfaction on account of hard times and in that sort of an atmosphere the Legislature convened. Captain McEachron, of Cloud County, was elected speaker and Captain Alex R. Banks, chief clerk of the house.

As a measure of economy the reform members opposed the election of a chaplain, saying that the cost of each prayer amounted to the price of fifteen bushels of corn. It was proposed to save that amount by inviting local ministers to pray for nothing, or to have such members of the house as had at divers and sundry times undertaken to preach, do the praying for the house. As the local ministers did not show any enthu-

siasm about donating their services to intercede with the Lord on behalf of the Legislature at nothing per, it was proposed by some members that the chief clerk be required to read the Lord's Prayer, at the opening of each day's session. This proposal, however, was promptly voted down and the house was left without any one to offer up a short and snappy petition to the Throne of Grace.

Captain Henry King was at the time editor of the *Commonwealth*, and I might say in passing, that few if any of the great dailies of the country had abler editors. He made the incident of the chaplaincy the subject of an editorial which I think deserves a place among the literary and humorous gems of Kansas writers.

"The Kansas House of Representatives," said the editorial, "is without a chaplain and is naturally in a very bad way about it. We have never tried being a representative, but if we did we should feel the need of a chaplain to pray for us.

"Reform, which seems to emulate the gaunt, bone-picking parsimony of the ridiculous silhouette, has now done its worst by depriving the scrimped and perquisiteless legislators of their necessary rations of grace.

"They can do without postage stamps; they might eke out a hardtack and herring existence by giving up their passes and cutting off their mileage, but it is the refinement of cruelty to stop their prayers. When the Legislature assembled and organized the first and most important duty of the House (the Senate being provided with one) was to select a chaplain. It has been customary to avoid the appearance of sectarian partiality by inviting the clergy of the city to alternate in making a prayer, for which the state paid the very moderate figure of $3 per invocation. Some reformer moved that the House do without prayers this year of reform, unless they could be made gratuitously, for each prayer cost about fifteen bushels of corn.

"Now a man, we hold, can pray for himself gratuitously and in that prayer he can include the whole world if he wants to, but it is something different to pray against the current, so to speak, in behalf of the Legislature. Mr. Silas Wegg very properly charged Mr. Boffin extra for 'dropping into poetry,' owing to the wear and tear on his finer feelings thus induced. On the same principle a clergyman should be paid for the lacerations of his faith, consequent on praying for a Legislature. It is not, therefore, to be wondered at that no clergyman felt it incumbent on himself to pray for the Legislature. The device of calling on such members of the Legislature as had formerly done clergical work proved a failure, as it deserved. To ask a man to aid in making the laws and pray for divine aid in their fabrication was as if a blacksmith should be asked to forge a bar of iron and blow the bellows at the same time. The dual function of the legislator and the parson can not, as there are many precedents to prove, subsist in a single individual simultaneously.

"The last resort of these poor statute makers, left prayerless, was to call on the clerk to read every morning from his desk the Lord's Prayer. This was a very thin illusion of sanctity to be sure, but like Mercutio's wound it might serve. We need not, we hope, assure the members of the House who promptly, and we think unadvisedly, voted down the proposition, that there are very many excellent things in the Lord's Prayer, and it is free from the unpleasant personalities that sometimes slip into impromptu invocations. It asks for the coming of the heavenly kingdom on earth and prostrates the devout utterer before the will of a merciful Providence. It asks for all a portion of the daily bread that sustains nature and the bread of life which strengthens and stimulates the spirit. It asks that our debts be forgiven as we forgive our debtors and contains the essence of all prayers, the continual cry of the truly devout and penitent spirit in the words that should dwell ever upon the lips of every man, whether lawmaker or law observer: 'Lead us not into temptation but deliver us from evil.'

"Now, why should not the chief clerk repeat this prayer

in default of some one to offer up a scientific $3 devotional exercise? If the general worldliness appearance of that young gentleman were sacrificed, with his secular and seductive mutton-chop whiskers, and his presence brought up to the proper clerical standard by the addition of a white choker and shad belly coat, his resonant, clerical voice modulated to the devotional monotone, we cannot see why the most graceless legislator might not exclaim with Hamlet, 'Sweet Banks, in thy orisons be all my sins remembered.'

"But the lower house is without a chaplain or even the shadows of the substance, which we have shown might be produced by getting the chief clerk up in clerical masquerade. It is not only a cruel deprivation to the members, but will, we are afraid, have its influence upon the laws."

This same Legislature seriously considered a bill to reduce the salary of the governor from $3,000, as it was at that time, to $2,000; also to reduce the salary of the secretary of state to $1,800, the salary of the state auditor to $1,500; the salary of the attorney general to $1,200; the salary of the state superintendent to $1,500; the salary of the judges of the district courts to $2,000, and the salary of the warden of the penitentiary to $1,500.

The *Commonwealth* vigorously opposed this bill and no doubt did much to kill it. Instead of reducing the salaries as indicated, the *Commonwealth* declared that the governor should receive a salary of $5,000; that the secretary of state and state auditor should receive $3,000 each; the attorney general $4,000 and the state treasurer $10,000 per annum. At the close of the session the editor of the *Commonwealth* roasted the Legislature to a deep rich brown, declaring that it had accomplished nothing worth while, that the men who had yelled loudest for economy and reform had really done nothing, and had not seriously tried to do any-

thing, but had been "grandstanding" to gain popular favor and applause. But if the Legislature was a calamity, it was the forerunner of worse to come. Within three or four months after the adjournment clouds of locusts that darkened the sun came flying from the west and devoured every green thing from the sage brush lands of Colorado to the turgid flood of the Missouri. And Kansas, taking a melancholy pride in adversity, advertised herself to the world as the native habitation of the grasshopper and, even when prosperity had returned to her borders and her bins were bursting with the fruit of her golden harvests, painted the hopper rampant upon her banners.

The Fight at Adobe Walls

Among the treasured collections of Dodge City there used to be a magnificent war bonnet with its trailing plume of eagle feathers and other accouterments of an Indian chief. Why the Historical Society has not secured these historic relics I do not know, nor do I know where they are at this time. They were mementoes of one of the most thrilling and desperate fights that marked the losing struggle of the red men to hold their hunting grounds against the aggressive and ruthless incroachment of the Anglo-Saxon. In the Panhandle of Texas, 175 miles southwest of Dodge City, there had been built, while that was still a part of Mexico's domain, a rude fort of sun-dried brick, called adobe. Just who built the fort is not definitely recorded, but in any event after Texas attained her independence and perhaps before that time, the old fort was permitted to fall into a state of decay, and it only figures in this story because it marked the location of the historic battle in which a little band of

Kansas buffalo hunters fought through a long hot June day against an overwhelming force of the bravest warriors of the plains.

The year 1874 was the year of the greatest slaughter of the buffalo. To speak of the killing of buffalo as a hunt, was a misnomer. It was simply a wanton destruction of these poor beasts which covered the prairies with their countless multitudes. The Panhandle of Texas was that year the favorite hunting or killing ground and a company of Kansas hunters numbering, according to the various accounts still extant, from fourteen to twenty-eight, had gone down there that spring of 1874 to have a part in the slaughter. The wild Indians of the Comanche, Kiowa, and Apache tribes resented this invasion of their favorite hunting grounds and with considerable reason, for they knew that at the rate the white men were slaughtering the buffalo the vast herds would soon be extinct. The Indian never killed buffalo for the mere sport of killing; that was characteristic of the white and supposedly civilized and Christianized white man. The Indian killed to supply his needs for food and furs as he had done for generations, but there had been no diminution of the great herds and would not have been until yet if the white hunters had not come. In all the history of the world there has never been a more cruel, wasteful, and needless slaughter of animals than that which in the short space of three years practically exterminated the buffalo.

So it is not remarkable that when the white hunters came down to the Panhandle country and established a trading post and began the wholesale slaughter, the Indian warriors were filled with anger and a desire for vengeance. Among the Comanches was a medicine man who had acquired great influence over the men of the tribe. His power was not confined, it seemed, to his

own tribe. He was regarded as a mighty medicine man by the Kiowas, Arapahoes, and Apaches. He made these warriors believe that by the use of a certain kind of war paint and by his occult powers he could render them invisible to the eyes of the white men and immune to the bullets from their guns. It would, therefore, be an easy task to surprise this band of hunters and kill them without the loss of any Indians. When the attack was made and the Indians were mowed down by the deadly fire of the white hunters, protected by the thick walls of their adobe houses, the minds of the Indians must have been disabused of the belief in the powers of Minimic, the medicine man, but still they fought with a reckless daring which excited the admiration of their foes.

It is hard for a Kansas man to acknowledge that whisky and a saloon ever served a good purpose, but it must be said that if it had not been for the thirst of the hunters which kept them in the saloon which had been organized for temporary purposes by one Jack Hanahan, and the giving way of one of the supports which held up the roof of the frontier thirst parlor, the Indian surprise would in all probability have been complete; the hunters, post trader, and drink dispenser would all have been massacred and the reputation of Minimic, the medicine man, would have been sustained. The night was far spent and the final round of drinks in Hanahan's saloon was about to be called for, when it was discovered that the center post supporting the dirt-covered roof was giving way and all hands set in to prevent the impending catastrophe. It was considerable of a job and by the time a new support had been placed and a couple of men sent up on the roof to shovel off some of the dirt and relieve the pressure on the support, the early dawn was gilding the far reaches of the prairie.

The Indians were slipping up through the tall grass in the dawn to the attack, when in the early light they were discovered by the men on the roof. The alarm was given and the Indians, seeing that they had been discovered, rushed with a blood-curdling yell to the onslaught. Careless or indifferent to danger, some of the hunters were sleeping out in the open and three of them were killed before they could get into the shelter of the thick-walled houses. Those who did get inside, however, were reasonably well protected, the walls were arrow and bullet proof and they had been provided with loopholes, through which the men could shoot with comparative safety. At the head of the oncoming warriors rode the half-breed Comanche chief Quanna, and with him rode the proud and gallant sub-chief, the younger Stone Calf, nephew of the old chief Stone Calf. On his head he wore his great war bonnet, with its plume of eagle feathers reaching almost to his ankles. His body fantastically painted, his wrists and ankles ornamented with circlets of silver or copper, he was as proud and valiant a warrior as ever rode to battle, a born leader of savage men.

Among the hunters in the adobe house were some of the best marksmen of the plains. They barred the door with sacks of flour from the post store, and this precaution saved their lives. The Indians rode up recklessly and, whirling their horses, backed them violently against the door. If it had not been for the flour barricade, the weight of the horses would have broken down the door. Inside were the hunters with their huge buffalo guns. They held their fire until the onrushing savages were within thirty yards, and then through the loopholes poured a murderous volley, which piled the ground with Indian dead. The Indians retreated before the hail of death, but came on again and again. The medicine man, Minimic, rode

about among the braves on a pony which he had bedaubed with paint to make it immune to the hunters' bullets, and exposed himself recklessly until his pony was shot down under him. The young chief, with magnificent daring, rode alone through the deadly zone of fire right up to one of the port holes, through which he thrust a revolver and emptied it into the room where the hunters were. A bullet laid him low, desperately, perhaps mortally, wounded, but still unconquered he put his pistol to his head and blew out his brains.

All day long the battle raged and even then the Indians did not cease their attack entirely. Quanna, the half-breed chief, fell, desperately wounded, but it was only when reinforcements came for the beleaguered men that the warriors sullenly drew off, leaving the ground about the adobe house covered with their dead. Of the Kansas hunters four were killed and one or two others were wounded. The number of Indians who participated in the attack was variously estimated at from 500 to 900. Probably both estimates were exaggerated, but there is no doubt the hunters were outnumbered fifteen or twenty to one. In no fight on the plains was greater coolness or daring displayed, either in attack or defense, than was shown at the fight of the adobe walls on that hot summer day of 1874.

The Kansas Runnymede

About forty-five years ago an enterprising Englishman who had located in Kansas, evolved a new scheme in high, not to say, frenzied finance. Ned Turnley was an original thinker by nature and his native tendency was accentuated by the Kansas atmosphere and associations.

He knew a good deal about the wayward sons of

British sires who had managed to accumulate money, which the young men desired principally to scatter abroad. The English sires had a good many anxious moments on account of these sons. The young fellows were hard riders, hard drinkers, and dead game sports, but when it came to matters of business they displayed a remarkable indifference and positive reluctance to do anything that savored of toil.

One of the ambitions of an English squire is to be known as a country gentleman, the proprietor of broad acres, from which he can garner a comfortable income while he is regarded with a degree of deference by his tenants. Ned Turnley went to these rich English squires with a proposition.

"Out on the great wide and fertile plains of the central part of the United States," said Turnley, "there is the opportunity to develop these sons of yours and build up a rich English colony which will be an honor to the British empire and a credit to your family." He was a bully good conversationalist, was Ned Turnley, and he knew how to appeal to these rich Englishmen. He painted a word picture of a sunset land with a soil as rich as any in the tight little isle, where title might be obtained to many square leagues, on which would graze vast herds of cattle and which, turned up by the plow and sown with grain, would yield unlimited harvests. What these sons of theirs needed, he urged, was to take a course in farming and stock raising under an able and experienced instructor. They were dowered with good blood, as he assured their fathers, and by that assurance he appealed powerfully to the vanity of the sires. All the young men needed was the opportunity to settle down and learn the ways of the broad prairies and the business of cattle raising. His proposition was to take these young bloods to Kansas and train them for the sum of

£500 each, paid in hand. Of course the English sires would have to take care of the young bloods' expenses while the schooling was going on. The fact that Turnley was able to put such a plan across and actually secured one hundred of these wild young Englishmen for his colony, marked him as a financial genius and one of the greatest confidence men of his time.

In order to get the consent of the young bloods to come to the West, it was necessary to tell a different story. To them Turnley pictured a land which was the paradise of the hunter and his hounds. He told of the vast stretches of prairie, unvexed by the plow and unhampered by settlers, where wolves and antelope were plenty and the great jack rabbit furnished better sport than the English hare. To them there was no talk of tilling the soil or watching over the lowing herds. His story appealed mightily to these young Englishmen. They were fully as anxious to come as their fathers were to have them come and so with his colony of one hundred, and in his pockets a quarter of a million of good English bank notes, Turnley began his unique experiment. The locality selected was the beautiful valley of the Chicaskia, fifty miles southwest of Wichita and on the border of Harper County, Kansas. Here he founded the town of Runnymede, in honor of the historic spot so dear to Englishmen, where the stout barons wrested the charter of British freedom from a reluctant king.

For a good many months the young Englishmen found the sport fully up to expectations. The best kennels of England were drawn upon to furnish deep-voiced hounds and blooded chargers were imported for the mounts. Joyously and recklessly the sons of proud English sires rode to the chase. A large hotel was erected at the new town of Runnymede to accommodate them and here night after night they held high car-

nival and pledged each other's health in sparkling champagne or good, old foaming English ale.

Horse races, cock fights, and sparring matches were the order of the day and night. There was some pretense of farming, but that was done by proxy. The young Englishmen were too busy having a good time to do any real work.

It must be said for them that they were good sports, too. Someone arranged a bout with a local prize fighter of Wichita named Paddy Shea. He took on one of the young Englishmen who was a willing soul, but no match for the prize fighter in the fistic art. Paddy knocked the Englishman out and it was several minutes before he awoke from his dream. When he came out of his trance and learned how Paddy had done it he was so pleased that he insisted on presenting the fighter with a handsome present, just to show that he "was a good sport, don't you know."

On one occasion there was a horse race at the new town of Harper and the English made a winning of $1,500. They immediately took possession of the leading booze dispensary, helped themselves to everything drinkable there was about the place and insisted on everybody in town partaking of their hospitality. By morning there was nothing weaker than sulphuric acid left in the drug store. The revelers presented the $1,500 won on the race to the proprietor of the booze emporium and departed joyously, ready for further adventure.

After a time the fathers back in England began to grow weary of sending remittances. Probably also they received some reports of what was actually going on and sent for their sons to come home. So the glory of the Kansas Runnymede waned and the Turnley colony became a memory.

Twenty years ago or such a matter a railroad, the

Kansas City, Mexico & Orient, was built through the old town of Runnymede and where there had been revelry by night and also by day, there was established a new and quiet village. It still bears the historic *name* of Runnymede, but of the *colony* of hard-riding and hard-drinking young Englishmen there remain no reminders except a single grave where lies buried one of the men who came so blithely to Kansas nearly half a century ago and broke the silence of the prairies with the baying of their hounds and huntsman horns.

The Comanche Steal

One day in the summer of 1872 two or three buffalo hunters were riding through the favorite grazing grounds of the then countless herds of bison in southwestern Kansas when they came upon a camp of five men. Three of the men were A. J. Mowery and James Duncan, of Doniphan County, and Alexander Mills, of Topeka; the other two were residents of Hutchinson, probably C. C. Beemis and Major Bowlus, but of that I am not certain. The five were busily engaged in working out a plan for the organization and subsequent looting of Comanche County. They had their plans about completed, but needed a county attorney and proposed to one of the buffalo hunters, J. S. Cox, that he take the position. Cox was not a lawyer, but they assured him that a total lack of legal knowledge was not an objection but rather an advantage. To have a county attorney who was a lawyer in the organization they were forming might be embarrassing. Cox seems to have fallen in with the proposition in that free and easy way of buffalo hunters, not regarding it seriously. The quintet then unfolded to him their plan, which was really charmingly simple. It was to or-

ganize the county, send Mowery to the Legislature to secure the passage of a law authorizing Comanche County to issue bonds for the building of a court house, building bridges and $20,000 or $30,000 for the payment of general expenses. The second part of the interesting program was the organization of school districts and the voting of almost unlimited school bonds. The new county attorney listened in amazement. He knew that within the 900 square miles of territory they proposed to include in the county, there was hardly a single *bona fide* inhabitant and not a dollar's worth of taxable property, except some roving herds of cattle which could easily be driven out of the reach of the assessor. He was curious to know who would buy the bonds issued by such a brazenly fraudulent organization and was told that in Topeka there was just as good a market for a fraudulent bond as a genuine, the only difference being the price.

So, with no one to molest or make them afraid, the band of thieves matured their plans and put them into execution. From St. Joe hotel registers, supplied presumably by Mowery, the names of residents were gathered. A census taker was appointed, one A. Updegraff, the son of an honest father and mother who had fallen among evil companions and who was persuaded to become the handy tool of thieves, although he probably received but little share of the plunder. Within the brief period of ten days or less Updegraff, according to the record, rode or walked several hundred miles over trackless prairies of Comanche County, gathered the names of 600 *bona fide* inhabitants, solemnly swore to the correctness of the list, and forwarded his report to the governor's office at Topeka, and on October 28, 1873, the proclamation was issued declaring the county duly organized.

Election day was drawing near and according to

program Andrew Mowery was selected by the five to represent the county in the lower house of the Legislature. It was an easy and inexpensive election. Two hundred and forty names were copied from the convenient St. Joe hotel register and voted for Mowery. Certificates of election were forwarded to the secretary of state and at the opening of the legislative session in January, 1874, Mowery appeared with his credentials and was sworn in as a member of the law-making body. Everything moved with the smoothness of well oiled machinery. The fraudulent commissioners were authorized to issue bonds for various purposes and did issue $29,000 to C. C. Beemis to build a court house. Getting court house bonds was Beemis' specialty. It will be recalled by those who have read the section, "The Looting of a County," that the Barber county commissioners issued at different periods to this same Beemis some $65,000 in warrants, afterwards funded into bonds, to build a court house. In addition to the court house bonds the county commissioners issued $23,000 bridge bonds and $20,000 bonds to pay general expenses, in all $72,000. Then came the second part of the program, the organization of school districts and the issuing of bonds. This opened an inviting and extensive field, but it was through the school bond steal that the looters came to grief. School district No. 1 was organized about the county seat, in which there was one cabin, named in honor of the then secretary of state, Smallwood, who was also one of the board designated by law to care for and invest the school funds of the state. District No. 1 issued bonds to the extent of $2,000 and Representative Mowery came with the bonds to Topeka and offered them for sale to the permanent school fund. With the approval of Secretary Smallwood and the superintendent of public instruction, a gentleman by the name of McCarty, Mowery

sold the bonds for $1,750 and either pocketed the money himself or divided his loot with his confederates. It was planned to load the school fund with at least $40,000 more but happily the attorney general interfered with the arrangement. The secretary of state and state superintendent attempted to clear their skirts, but if they were not positively dishonest they certainly were criminally negligent of their duty.

Having apparently concluded that they had gathered about all the harvest of loot there was to gather, the organizers of Comanche abandoned it to the buffalo and the coyote, and in 1876 Mowery, who had gone back to Doniphan County, somehow persuaded his neighbors to send him to the Legislature from that county, although the record of his villainy had become generally known. The Legislature of 1876 expelled him and at the instance of the attorney general he was arrested, charged with having forged the school bonds he had sold to the state. When notified that he was to be arrested he fled the state, but was apprehended over in Missouri and brought back for trial. For want of positive evidence of the forgery, the county attorney of Shawnee County dismissed the suit and Mowery went free.

It is a shameful fact that not one of the thieves engaged in the fraudulent organization of Barber, Comanche and other counties was ever punished by law for his crime. If a citizen buys a horse in perfect good faith and afterwards finds that it was stolen he must restore it to the owner when the latter proves his title. The fact that he was an innocent purchaser does not save him from loss, but although it was common knowledge that the region in which Comanche County was located was in 1872, 1873, and 1874 an uninhabited wilderness, the purchasers of the fraudulent bonds were not required to beware of their purchase. The courts

protected them, saddled the burden of the utterly fraudulent obligations on subsequent settlers, who had no part in their making, and then failed to mete out any punishment to the thieves. No wonder the man who is serving a term of years in the penitentiary for stealing a calf or a few dollars, cannot see the justice of a law which punishes him with great severity, while thieves who boldly plundered through fraudulent bond deals to the extent of hundreds of thousands of dollars are permitted to go scot free and even pose as honorable citizens.

Most of the plunderers who operated in Barber and Comanche Counties have gone to their final rewards. The last time I saw the census taker of the fraudulent organization of Comanche he was suffering from a severe bullet wound received in an impromptu duel on the streets of Dodge City with the celebrated Bat Masterson, the other party to the shooting. He revived from that to die later from smallpox and was laid away by the gamblers and demimonde of that then wild frontier town. The others, who were much more guilty than Al Updegraff, have gone, I do not know where, but if there is an old-fashioned orthodox hell they are probably meditating on their past sins as they roast in the sulphurous habitations of the damned.

The Legislature of 1875

An examination of the files of the old *Commonwealth* during the legislative session of 1875 is calculated to take the conceit out of the modern legislative reporter. Not only were the legislative reports in the *Commonwealth* of that date more full and enlightening than the legislative reports in any paper I know of at the present time, but they were

put up in better literary style and had in them more of the human interest. Possibly the session of 1875 was no more interesting than many other sessions of that early day, but it happened that the Legislature contained a good many men who had considerable to do with shaping Kansas history and several of them afterward rose to prominence.

The speaker of the House was Ed Funston, big of body and with a sonorous voice which gave him the name of "Fog Horn Funston." He afterward served with distinction for eleven years in the lower house of Congress and had the added distinction of being the father of General Fred Funston. The chief clerk of the House was Captain Henry Booth, formerly of the United States regular army and afterward for many years receiver of the United States land office at Larned. Among the members were Dudley C. Haskell, of Lawrence, gigantic in stature, brilliant in intellect. As a member of Congress he rose rapidly to distinction until cut off by premature death. Had he lived, he would have ranked as one of the great men of the nation. There was also Jim Legate, cynical, crafty and resourceful, dowered by nature with a great brain but unfortunately with a lack of moral perception which ruined his usefulness and blighted his career. There was Billie Buchan, then young, ambitious and daring, who never realized his ambition to go to Congress but who was able to make and unmake a good many men. Sam Benedict, of Wilson County, tall, spare, hampered by ill health a good deal of the time, which tended to spoil his temper, possessed of rare good sense and unimpeachable integrity, a graduate of Williams College, and a man of wide reading and fine literary taste, never seemed to care particularly for either political honors or leadership, but was a most valuable member of the Legislature, because he hated anything that

smelled of graft and had no patience with extravagance or what seemed to him foolish legislation. There also was P. P. Elder, then a Republican, afterward a leader of Greenbackism and Populism, forceful and careless in his use of language, and generally known as the most artistic swearer among the public men of the state. Also there came to the Legislature from Ford that unique frontiersman, Bob Wright, of Dodge.

In the Senate there was the scholarly jurist, Solon O. Thatcher, and the later chief justice of the supreme court, Albert H. Horton. Sam R. Peters came from Marion to the Senate, but afterward moved to Newton and, after serving for two terms as judge of the old Ninth judicial district, which took in about all of the southwest quarter of Kansas, was elected to Congress, where he remained for eight years, refusing a renomination in 1890, which showed his rare political judgment, for it was in that year that the wave of Populism swept over the state and submerged all but two of the Republican candidates for Congress. William Alfred Peffer came as a senator from Montgomery. At that time a strict party man and ardent advocate of high protection, he probably had no premonition of the political revolution which fifteen years later was to separate him from the party of his young manhood and land him in the United States Senate, as a member of which body he was to become one of the most talked about and most generally cartooned men in the nation.

At the beginning of the session the *Commonwealth* speaks of the Legislature as an exceptionally fine body of men, but at the close sadly admits that blamed little of real worth had been accomplished, which may be said of most legislatures. The year 1874 had been one of widespread disaster to Kansas. The swarms of grasshoppers had devoured practically every green

thing. In the west half of the state drouth had burned up what little the hoppers had left and the principal topic before the Legislature was how to get aid for the sufferers. There was a general disposition to call on the general government for assistance, but among a number state pride revolted at the idea of going abroad to ask for alms. It was proposed to issue state bonds to secure the necessary money for the purchase of seed wheat and necessary supplies to tide the settlers over until another crop could be raised, but the lawyers in the body were raising constitutional objections which so irked the mind of Bob Wright, of Dodge, that he introduced the following resolution:

"Resolved: That 100,000 copies of the constitution be printed in pamphlet form for distribution among the destitute people of western Kansas to enable them to get through the winter and to furnish seed wheat for planting; and in order that all persons may be provided it is ordered that 25,000 of these pamphlets be printed in Irish, 25,000 in German and 50,000 in English, and in order that no expenditure may be made for expressage and freight on the same, each member is expected to carry home in his carpet sack the quota belonging to his county."

In spite of the fact that the Legislature contained so many men of ability and experience, there was the same tendency to hasty and careless legislation noted in every legislative body. For example, there was House Bill 21, to prevent the spread of certain contagious diseases among horses, mules, and asses, the first section of which read as follows:

"Sec. 1: That it shall be unlawful for the owner of any horse, mule, or ass affected by the diseases known as nasal gleet, glanders or button-farcey, and any person so offending, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty dollars nor more than five hundred dollars and in default of pay-

ment shall be imprisoned for any period not exceeding twelve months, or by both such fine and imprisonment at the discretion of the court."

Passing over the question as to whether the bill meant that the owner of the horses, mules, and asses or the beasts themselves were affected by all of these diseases, the language leaves one in complete ignorance as to what said owner is guilty of, whether of owning the animals or having the disease, and yet the bill with this identical language had passed through the hands of the committee on agriculture and been recommended for passage.

Chan Brown, afterward for many years clerk of the supreme court, represented Marshall County. He was interested in the propagating of fish in the state and introduced a bill requiring owners of dams to construct chutes or fish ladders over the same. His bill met with little encouragement. Future Congressman Haskell insisted that the fish in Kansas were too big and lubberly to climb ladders over dams and Sam Benedict said that the only kind of fish there were in the state were buffalo fish and catfish, neither of which could get up one of the fish chutes and wouldn't be worth anything if they did, as "no white man would eat one of them." Sam was always more or less dyspeptic, which accounted for his taste.

The most picturesque character in the Legislature of 1875 was Representative Carter from Sumner. Carter was a Democrat. How he happened to be elected is not disclosed, but it may be accounted for on the theory that Sumner, which at that time was a frontier county, had a good many Texas cattle men among its citizens who were Democrats of the old southern type who wouldn't vote for a Republican under any consideration and, furthermore, most of the frontier citizens were not greatly interested in politics and didn't care

a hoot who went to the Legislature. In the files of the *Commonwealth* under the title, "The Leader of Democracy," may be found a word picture of the Sumner County statesman, which ranks almost with the classical description of "Chang" by John J. Ingalls in his famous sketch, "Catfish Aristocracy."

"Imagine," says the *Commonwealth* reporter, "a tall, angular, loose-jointed, shuffling-gaited specimen from the banks of the Wabash, or the mountains of Tennessee. The inequality of outline in this physical conformation suggests the idea that the various features which go to make up the physiological unit called Carter once belonged to as many different men, from whom they were violently torn from time to time and at length thrown together with a contemptuous disregard of order, propriety, and the fundamental principles of architecture. Surmounting this structure is a head calculated to arrest the attention of the most observant. Narrow at the base—proof sufficient of austere virtue—it gradually contracts as it ascends to a tiny bulb, resembling a poke berry, but called the organ of veneration, forming the apex. Carter's facial aspect is among the marvels of physiognomy. Over the scarred and wrinkled surface the rank vegetation of his beard throws a melancholy shade. Bushy eyebrows stand sentinel over opaque and bulbous orbs, above which mounts the 'dome of thought' to the height of perhaps an inch and a quarter."

The statesman from Sumner had one pet bill on which he expected his legislative fame to stand. It was an act to protect horses, mules, and cattle from being poisoned by the castor bean. Section 1 of this bill read as follows: "Any person or persons growing or cultivating castor beans in the state of Kansas shall inclose or cause the same to be inclosed with a lawful fence." He watched his measure anxiously as

it slid back on the calendar until the very last days of the session were at hand and with no prospect of its passage. Then the house leaders, Legate, Bill Buchan, and Dudley Haskell came to his rescue. They assured him that they had become convinced his bill had great merit and that they would see that it got before the committee of the whole house for consideration. Carter was pleased. He assured them that he would not like to go back to his people without having done something to curb the deadly ravages of the castor bean and would appreciate their help.

Before final adjournment Jim Legate solemnly arose and moved that the house resolve itself into committee of the whole for the consideration of house bill 224, the castor bean bill, and suggested that it would be only fitting that the gentleman from Sumner should be called to the chair. Carter was elated and taking the gavel rapped loudly for order, announcing that the house was now in committee of the whole for the consideration of house bill 224.

The first motion was made by Bill Buchan, the member from Wyandotte, that the word Kansas be stricken out and Arkansaw substituted therefor. The chairman looked puzzled and said it seemed to him "that-ar motion" was out of order. Buchan, however, insisted with such earnestness on his motion that the chairman put it to the house. It received a loud and unanimous vote in the affirmative and when the nays were called for the vote was equally unanimous. The chairman was in doubt, but said it sort of seemed to him that the ayes had it.

Jim Legate then arose and gravely moved to amend the second line by substituting the word oil for beans, so that the section would read "Any person or persons growing or cultivating castor oil," etc. This amendment also carried by the same overwhelming vote.

Then with towering stature and deep bass voice arose Dudley Haskell and said: "Mr. Chairman: The section as amended lacks harmony and felicity of expression. I move the following substitute for the entire section: 'Section 1. Any person or persons using castor oil in the state of Kansas shall be inclosed with a lawful fence.'"

The house, lobby and galleries howled and rocked with unholy mirth. It was dawning on the statesman from Sumner that a job had been set up on him and he was stirred with righteous anger. He ordered the sergeant-at-arms to preserve order and clear the lobby and raged ineffectively when he saw his authority and orders set at naught.

At this point Buchan arose, his face apparently covered with gloom and said that he was grieved to see a worthy measure treated with levity and riotous disorder unbecoming the dignity of the house. He thought, however, that the phraseology of the bill should be changed somewhat and moved that section 5, the final section, be amended to read: "Section 5. This oil shall be in force and take effect from and after its use once by the chair," and with a wild and joyous whoop the bill, so changed and amended, was recommended for passage.

In the years that have fled since then all the principal actors in the legislature of 1875 have passed on. Billie Buchan, Funston, Haskell, Legate, Elder, Horton, Peters, Benedict, Bob Wright, Henry Booth, Peffer and Thatcher have joined the silent majority, the unnumbered multitude of the dead.

A Whisky Murder

Medicine Lodge never acquired the reputation of being a wild and woolly town in the sense that that name attached to Dodge City, or Wichita in its early days, or Newton or Abilene when they were the end of the Texas cattle drive, or Caldwell or Hunnewell in the days of their pristine glory. Before the railroad reached Medicine Lodge, the day of the cattle drive was passed, and while a bad man occasionally sojourned there for a night, or maybe a week, there was no congregation of killers. Medicine Lodge never had a dance hall such as flourished in each of the other towns, when they were the objectives of the vast herds driven over the long trail from the vast plains of Texas on their way to the markets of the North and East.

Still there were some tragedies, and this story relates to one which I think had something to do with the fact that in the election of 1880 this frontier county gave a majority for the prohibitory amendment to our state constitution. While there was not so much of it sold as in some of the towns, the quality of the whisky sold in Medicine Lodge was as bad as the worst. I have known men who were ordinarily quiet and peaceable when sober, after imbibing a few drinks of the beverage, to go stark mad for the time being and become more dangerous than Bengal tigers. I know a most reputable man, kindly, law-abiding and in every way a model citizen for many years past, who confesses that he shudders when he thinks of how near he came to being a murderer when crazed by a few drinks of border drug store whisky. But that is another story.

One May day in 1879 a country boy, perhaps nineteen or twenty years of age, rode into town. John

Garten had not been known as a "bad man." He was just an ordinary, gawky, green country boy, who had reached the age when he probably thought it would be smart to show off and also an indication of manly quality to fill his hide with drink. It was probably this ambition, rather than any confirmed appetite for liquor, that caused him to take on several drinks. Probably at that, nothing serious would have happened if he had not been filled with another ambition, and that was to carry a gun and acquire the ability to draw and shoot like one of those gun fighters he had heard about.

It was along toward evening of the long beautiful day in the latter part of May, that young Garten mounted his horse, probably at the suggestion of the town marshal and rode out of town, emitting a few "whoops" as he rode. A few miles west of the Lodge, at a crossing of one of the little tributaries of the Medicine, he overtook two women, a mother and her daughter. They stepped to the side of the road to let him pass. He rode past them a few rods and then with a drunken howl pulled his pistol from its holster and fired two shots in the direction of the women. With a cry of anguish the younger woman, Mrs. Steadman, fell mortally wounded. It is quite probable that young Garten did not know that he had hit either woman, for he rode on without further looking backward, stopped at the ranch where he had been working, unsaddled his horse and made no effort to escape. He expressed great surprise when a few hours afterward the tall, gaunt frontier sheriff rode up to the ranch house and said quietly, "John, I want you for murder."

Garten protested that he had just intended to give the women a scare and didn't suppose he had hit either one of them, and quite probably he was telling the

truth. The murder aroused a storm of indignation when young Garten was brought into town. An inoffensive, popular young woman had been shot down without any provocation and there was talk of the law of the border. There were mutterings of vengeance and knots of men gathered and conversed in low earnest tones, more dangerous than any loud threats or bluster. A few hours afterward the big lank, weather-beaten sheriff with the prisoner in charge, rode away through the moonless night to the northward and put Garten for safe keeping in the Rice County jail to await his trial. In those days there were only two terms of court in Barber County and before the time for Garten's trial he escaped from jail and, it was believed, fled to the mountains of New Mexico.

The father of the murdered woman was a lean, powerful man by the name of Champion, a typical frontiersman. I think he had come originally from the mountains of Kentucky or Tennessee and if so was born to believe in the doctrine of the blood avenger. Sparing of speech and stern of face, Champion made little demonstration of his grief, though it was understood that he possessed a quiet and deep affection for his children. When the news came that Garten had broken jail, Champion said nothing, but those who were in his confidence knew that he had gone to New Mexico. For almost a year nothing was heard from him, but there was a persistent rumor that he was playing the part of the avenger of blood; that he had gone on a relentless, tireless man hunt for the slayer of his first born. Finally he returned. He said nothing for publication, but there was the look on his face of a man who had accomplished his task and fulfilled the old law, the law still of the mountains, an eye for an eye, a life for a life.

No one outside of Champion and his few confidants

knew what had been the result of that long year's hunt through the mountains and over the burning desert sands, but Garten was never found by the authorities or returned for trial. Those who knew the boy never believed that he was a willful and deliberate murderer. His crime was the direct result of the villainous liquor that was sold in the frontier town. At the next election the question was up to amend the constitution so as to make the sale of whisky as a beverage forever unlawful. The rough bearded men riding the range, with ample time to meditate as they rode, considered the case of the boy Garten, the murdered woman, the lean-faced, stern, unsmiling, close-lipped frontiersman on his lonely vigils in the mountains, searching with indomitable will and marvelous patience for the man he meant to kill. They considered and voted for prohibition.

Circumstantial Evidence

During the seventies in western Kansas, horse stealing was regarded as a much more serious crime than just ordinary murder. Of course the killing of a human being, according to the recognized code of the border, should be done according to certain well recognized rules of fairness, such for example, as that both the shooter and shootee should be "heeled" and that neither one should try to perforate his opponent when his back was turned. There were certain exceptions to this general rule as, for example, when either party announced to the other that he intended to shoot him on sight, the presumption would be that both would have their "weapons" handy on all occasions and if they failed to do so they must take the consequences. In that case if a man wasn't "heeled" it was clearly his own fault, the presumption being that he was, and that the

only safe way for the other man was to commence shooting as soon as his adversary came in sight. Even after courts had been established for several years, although the cases of homicide were quite numerous the number of legal convictions was decidedly small.

But in the case of a horse thief—well, that was different. The horse was about the only means of conveyance and in the cattle business it was absolutely essential. It was necessary, too, to let the horses run on the range unguarded, and the cattleman reasoned that unless the men who lusted for the possession of good horses were restrained by the fear of prompt and violent death, no man would be sure when he turned his horses out at night that he would be able to gather any of them in the morning. In the short and summary disposal of men suspected of purloining horseflesh, the well established rule of the courts that a man accused of a crime is presumed to be innocent until proven guilty, was reversed and the accused man was presumed to be guilty unless he could pretty clearly establish his innocence. Even at that, it is probable that considerably more than half of the men hanged in those early years as horse thieves, were guilty as charged.

It was on a pleasant day in the summer of 1876 that J. B. Boswell, a reputable citizen of Russell, Kansas, started to ride over into Nebraska. He was alone and unarmed and rode on untroubled by premonitions of impending trouble. He rode into the town of Creede, Nebraska, when he was suddenly arrested, charged with being a horse thief. He was taken before the mayor of the town, which was already incorporated, and there subjected to a rigid examination. He was told that there had been some horses stolen and that every stranger was under suspicion, but they would give him a chance to prove himself innocent. He talked as per-

suasively as he knew how, but the examiners seemed skeptical. After a while they informed him that they had already hung one horse thief, who before being swung off had stated that there was a Kansas man implicated with him, and Boswell unfortunately was the only Kansas man they had rounded up so far. The presumption was therefore against him. It did not seem to avail him anything to assure them earnestly and vehemently that he had never seen this horse thief, did not know him either by sight or name and that he was peacefully going about his regular business down in Kansas when the horses were stolen. The impromptu court reasoned that it had the dying statement of the horse thief that there was a Kansas man mixed up with him and—that being the case—it was up to Boswell either to produce the Kansas man who was guilty or to admit that the presumption of his own guilt was strong.

In spite of his protests and argument that it was absurd to convict him on the strength of the statement of a horse thief about to die, that some Kansas man was his confederate, they cast him into jail and that evening about nine o'clock some twenty-five men called for him and took him out of town a mile or two where there was either a convenient tree or possibly a telegraph pole. He afterward confessed that he begged piteously for his life, but in case his captors did not see fit to grant that, he asked to be hung from the railroad bridge over the nearby draw. He urged that it would be preferable to be hanged from the bridge because the fall would undoubtedly break his neck and save him the torture of slow strangulation. "For God's sake, men," he implored, "hang me decent," which, notwithstanding its violation of the strict rules of grammar, would seem to be an entirely reasonable request. But one of the party bent on swinging him

objected to this concession to his feeling, saying that "strangulation was good enough for a damned Jayhawker."

However, a majority of the party thought that it would only be fair to give Boswell two or three minutes to pray if he wanted it. To this Boswell replied that he didn't see that it would do him any particular good to pray, and anyway he was not in practice, but that he would appreciate it if they would allow him to make a will. This request was granted and he drew up a brief statement of how he wanted his property disposed of, asked a couple of members to witness it, and then stated that he was ready. Something about his statements and manner seemed to impress the leader of the party and raised a doubt in his mind about Boswell's guilt. Turning to the rest of the men, he said, "It's up to you to say whether we swing this feller or not. Take a vote on it and if you vote that he is to swing, he swings." It seemed that Boswell had also made an impression on some of the others and after some argument they voted, not to turn him loose, but to give him forty-eight more hours to prove that he was innocent and not the man referred to by the dead horse thief. Then they took him back to jail. What changed their minds Boswell did not know, but greatly to his relief, after keeping him in jail a couple of days they let him go. They did not apologize or even tell him that they had decided he was not the man they wanted, but as they let him go free he did not care to stand on little matters of etiquette. What he principally wanted was to get back to Kansas as soon as possible.

When once more safe among his neighbors, he related his experience and said with a sigh, as he wiped the sweat which beaded his forehead as he recalled his experience, "I sure had a hell of a time." And even

the local minister who listened to the recital admitted that Boswell's statement was moderate and not really tinged with profanity.

The First Paper in Barber County

In the early part of the year 1878 a man by the name of Cochran concluded that there was a field for a newspaper in the frontier town of Medicine Lodge. He purchased a Washington hand press from McElroy of the Humboldt *Union*, together with a couple of racks, a few cases, a well worn font of long primer type and another font of brevier, a few job fonts for advertising purposes, moved the outfit to Medicine and commenced the publication of the *Barber County Mail*. Possibly Cochran concluded that it didn't make much difference what kind of a paper was published in that kind of a town, or possibly he didn't know how to keep the worn type clean and a decent "impression" on the Washington hand press, but whatever the reason, the fact was that the paper was generally unreadable. Cochran was a man of fair ability with a rather catchy style of writing, but a good many of his local and editorial observations were lost because it was impossible to read what he had printed. Whether it was the poor print of the paper or the flirtatious disposition of the editor that caused him to become unpopular, I am unable to say, but the fact was that before his first year in the town had expired a number of residents gathered together and decided that he must depart thence in haste and with a promise never to return.

It was also decided that there must be meted out to him punishment commensurate with his offending, and on a decidedly cool night in the month of February, 1879, the regulators took the editor from his humble

office, stripped him of his clothing and then administered a punishment which I think was entirely unique and unprecedented in the treatment of editors. There was no tar in the town and not a feather bed to be opened, but an enterprising settler had brought in a sorghum molasses mill the year before and as sorghum generally grew well there, had manufactured a crop into thick, ropy molasses. Owing to the cold weather the molasses was thicker and ropier than usual. The regulators secured a gallon of this, mixed it well with sandburs, which grew with great luxuriance in the sandy bottom of the Medicine, and administered this mixture liberally to the nude person of the editor. I do not need to tell my readers who are familiar with the nature of the sandbur, that it is an unpleasant vegetable to have attached to one's person. Clothed with this unwelcome covering of sandburs and sweetness, Cochrane was elevated upon a cedar rail and carried about on the shoulders of the self-appointed regulators. He privately acknowledged afterward that while this was an elevation and distinction such as no other editor perhaps had ever received, he would personally rather have remained a private and humble citizen on foot. After carrying the shivering and besmeared editor about to their hearts' content, occasionally adding to his general discomfort by bouncing him up and down on the rough and splintered corner of the rail, the regulators told him that he must leave town within twenty-four hours, and never show his face or form there again.

There were other citizens of the town, among them a brother of mine, who, while not particularly enamored with Cochran or his style of journalism, felt that his morals would at least average up with those of his persecutors. They also organized, armed themselves with such weapons as were convenient, and told the

editor that he could remain as long as he wished and they would be responsible for his safety. Cochran expressed his appreciation of their kindness, but confessed to them that the atmosphere of the town did not seem salubrious or congenial to him and if they would arrange to purchase his paper and outfit he would seek other climes where it was not the habit to decorate editors with sandburs and sorghum molasses. His proposition was accepted by my brother and his brother-in-law, E. W. Iliff; the *Barber County Mail* slept the sleep that knows no waking and a new paper, the Medicine Lodge *Cresset*, was born.

The name Cresset was the selection of Iliff, who looked the typical frontiersman, but was really a lover of good literature and an especial admirer of Milton. Readers of "Paradise Lost" will recall the vivid description of Satan's palace which was lighted by "cressets." This appealed to Iliff's poetic fancy and so the name, Medicine Lodge *Cresset*. The name called for a good deal of explanation. Half the exchanges persisted for years in calling it the *Crescent*, apparently laboring under the impression that some followers of the Sultan had migrated to Kansas and gone into the newspaper business. There was also some considerable curiosity among the readers of the paper, who had never read the blind poet's great creation. "What's the meanin' of this here name Cresset?" asked a rough, weather-beaten cowboy, who ambled one day into the office. The origin of the name was carefully explained to him. He mused over it for a time, then looked at the rather meager and not very handsome paper, and exclaimed: "Damned fittin' name I would say. This here is a hell of a paper, isn't it?"

The Wonderful Mirage

The following thrilling story of adventure and hair-raising experience is related by Judge William R. Smith, of the Atchison, Topeka & Santa Fe railroad. Judge Smith modestly insists that the story is not for publication, but I can not permit so interesting and verified a narrative to be lost to the reading world. I therefore violate his confidence and give you the story as he related it to me:

"The spring of '79 will always be memorable for the devastating cyclones which started in Texas and moved north through the Indian Territory into western Kansas. Not one alone terrified the early settlers who were making their homes on the frontier, but a succession of tornadoes moved over the country at that time, leaving destruction and death in their wake; a second and third gleaning what was left of the scanty possessions of the already impoverished people.

"On May 29, of that year, a cyclone of unheard-of violence traveled over the Indian Territory on its way to Kansas. Dirty Mud, a chief of the Snake Indians, had four of his wives swept from his side while they were engaged in the domestic duty of preparing the intestines of a dog for their husband's dinner. Dirty Mud was, however, somewhat consoled after this sad bereavement by the fact that he had three wives left, who, fortunately, were chopping wood two miles distant from the path of the storm. This consolation, however, was brief, for with an inhuman mania for destruction, this same cyclone, after moving forty miles north, hesitated on its deadly journey, and returning the next day, carried the three remaining wives of Dirty Mud off the face of the earth, and they were seen no more. Waiting for two days to be assured that none of his wives would descend, Dirty Mud married again, but not until he had dug a cyclone cellar fourteen feet deep under his cabin, into which, at the first appearance of a dark cloud, he let down his second batch of wives to a place of safety, with a rope.

"What I have related so far is not recorded from personal observation. I come now, however, to an experience in which I played a thrilling and dangerous part. It relates to the same cyclone which so greatly disrupted the domestic relations of the Snake Indian chief and brought profound sorrow into a family happily united. I was making a business journey on horse-back from Sheridan Lake to Water Valley, two towns situated about five miles over the Kansas line in Colorado. In the southwest were gathering clouds, accompanied by gusts of wind which greatly agitated the sagebrush and cactus, filling the air with red dust. As the wind grew stronger, a cloud blacker than ink approached the earth, and to my great terror assumed a funnel-shaped form, leaving no doubt that a deadly cyclone was close at hand. My horse, now spurred to a gallop, his ears laid back, and trembling like a leaf, swept past hundreds of jack rabbits, which were running at full speed in their efforts to escape. Giving a backward glance, I saw the funnel-shaped monster whirling in its course, tearing up all vegetation in its path and digging a trench two feet deep in the dry sand. It had a rotary motion, which in the brief time I had to calculate, I estimated at 300,000 revolutions a minute. On its closer approach, my horse became violently excited. Leaping over a boulder, he looked back, increased his speed, and snorting with fright, threw spray from both his nostrils to a distance of ten feet. There was no escape. The horrible monster would swallow us in an instant more. I held my breath. At that moment the whirling cyclone sent a stone against the horse's ribs, at which he reared on his hind legs, made a violent plunge sidewise and threw me, stunned and bleeding to the ground. This saved my life and that of the horse.

"I was thrown twenty feet from the path of the cyclone and escaped with no serious injuries. The horse did not fare so well. The edge of the whirling cloud, propelled with irresistible force, and revolving like a buzz-saw, struck the animal a glancing blow and passed on with terrific velocity to the north. On arising to my feet I approached the horse, which stood perfectly still in a dazed condition, par-

alyzed with fright. On examination I found that every hair on his body had been pulled out by the roots, until his skin had the appearance of a Mexican dog. Science has not yet accounted for the eccentric freaks of a cyclone after it gets a fair start. The horse then began to shake like a man with the ague, swaying from side to side. Cold sweat streamed from his body, and so violent were the vibrations of his head that every tooth in his mouth rattled to the ground, some of them flying off to a distance of twenty feet. He did not long survive this attack. Surrounded with succulent grass reaching to his knees, the poor animal starved to death in less than a week. After his death it was discovered that by some unknown chemical action the horse's hide had been completely tanned and was soft and pliable enough for the manufacture of the finest shoes.

"Looking in the distance to note the movements of the cyclone, I was astonished to see several houses and a church on the border of a lake, on the banks of which were many trees, some of them ten feet in diameter and a hundred feet high. Knowing the arid condition of the country, I saw at once that the unusual manifestation was a mirage. At the same instant the cyclone attacked the town, the lake, and the trees with tremendous force. It started with lightning speed and moved swifter than a rush telegram over a down-hill wire. It looked more vicious than when it passed me and struck the horse. Quicker than I can tell it, the funnel-shaped cloud of ferocious blackness struck the edge of the lake. Trees of the size described appeared to be twisted out by the roots, with the facility with which a dentist pulls a tooth. Their huge trunks disappeared, ground to a pulp in an instant. After the trees were disposed of, with one gulp the cyclone swallowed all the water in the lake, leaving its bed dry and sandy as a brick yard. Its tentacles were next thrown around the church steeple, carrying it away without disturbing the rest of the building. When the devastation was complete, it stopped in its course as if hesitating before seeking new food for its voracious maw. This pause in its progress led me to think that the unsubstantial impediment to the devastating work of the cyclone, which the mirage had interposed, had

been disappointing, inasmuch as no physical force could dissipate or destroy this optical illusion. I was forced to smile at the futile attack of the vicious cyclone on the imaginary village, with its lake and trees, which disappeared like a vision when the black monster whirled over the place where it seemed to have a site and fixed location. No sooner had the cyclone moved on, however, than the houses reappeared, the trees resumed their former places and the lake was as calm and peaceful as before.

"I have never heard of another instance where a mirage was seen to come into collision with a cyclone. Inasmuch as there were no witnesses who can attest the truth of what I saw, I have been careful to avoid exaggeration, as should be done in all cases where personal experiences of a startling nature are detailed, in the absence of others who may vouch for their accuracy."

The Last Indian Raid in Kansas

On Tuesday, September 17, 1878, a horseman rode down the valley of the Medicine, his horse covered with foaming sweat. He carried the news that there had been an Indian massacre on the Salt Fork of the Cimarron River, in the southwest part of Comanche County, in which two persons had been killed outright, a baby mortally and two other persons seriously wounded. The attack, according to the report brought by the horseman, had been made at Sheets' cattle camp near the state line by a party of Cheyennes under the command of a daring young Cheyenne chief, called Dull Knife. The Northern Cheyennes had been moved from their northern hunting grounds against their will. They chafed under the restrictions of the agency and the young warriors plotted to go back to the land where they were born and where they and their fathers had hunted for many generations. There has been an impression that the entire tribe of Northern Cheyennes

were engaged in this raid. The fact is that not more perhaps than a hundred of the young warriors followed Dull Knife in his journey north.

From the Sheets' ranch the horseman reported that the Indians had traveled on to the Payne ranch. Payne was afterward president of the Comanche pool and was killed by bank robbers at Medicine Lodge in the spring of 1883. The rider went on to say that Payne had been shot in the neck, Mrs. Payne had been shot in the thigh, and their baby had been shot through the breast. Tom Murray, a cattle herder, had been caught out alone and, true to his race and name, he had died fighting. It may not be out of place here to publish the following brief but touching tribute to the lone Irish herder, written by Captain Byron P. Ayers, of whom I have made former mention, which was published subsequently in the *Barber County Mail:* "In your paper last week you told that Tom Murray was dead. The boys who knew him have asked me to say something about him and have you print it. I do not know what to say, except that he was a good man, always sober, told the truth, loved children, and revered women. He died fighting bravely to the last."

I have always considered that as fine and comprehensive a tribute as I have ever read. A few hours after the report of the massacres reached Medicine Lodge, forty or fifty determined, well armed men were mounted and on the way to intercept the savages. They were not trained soldiers, but I question if a nervier set of fighters ever rode out to battle. I have some personal pride in the expedition because a brother of mine rode with them, a young and stalwart man, quiet, cool, never given to boasting, never reckless, but who, had he been given command of a forlorn hope, would, I am certain, have ridden to the death as coolly as rode the troopers of the "Six Hundred" at the fatal

charge of Balaclava. His body lies in an Oklahoma burying ground, and I trust I may be excused for inserting this tribute to his memory.

Some forty miles south of Dodge City the Barber County scouts joined a force of United States regulars and the combined force succeeded in intercepting Dull Knife and his band. They, in fact, practically surrounded the Indians in a canyon in what is now Clark County. The regulars and scouts together considerably outnumbered the Indians and might have either captured them or exterminated them. The scouts, however, had put themselves under command of the United States regular officer in command of the troops and he refused to attack. They asked to be permitted to attack, trying to convince the officer in command that while an attack might mean the loss of a few men they certainly could stop the further progress of the Indians. The officer refused, threw out pickets, and ordered that no attack be made until the next morning. Under cover of darkness the wily savages slipped away, and when the morning came the regulars and scouts found they were guarding an empty canyon. The scouts were humiliated and disgusted and always regarded the regular officer in command of the troops as a coward, who was responsible for the trail of blood and fire afterward made by Dull Knife and his band before they were finally captured.

They had entered at the southwest corner of what is now Comanche County and crossing the state came out of it on the north line of Decatur County. The number of persons murdered by them in Kansas was variously estimated at from seventy-five to one hundred. The failure of the regulars to stop them before they had done any considerable amount of damage called forth this editorial reference from the Medicine Lodge editor in his paper of October 17, 1878:

"Poor Lo has outgeneraled the U. S. troops and Dull Knife has shown himself entitled to a name among the great warriors of the red braves."

The band was finally captured in Nebraska. Some of them were killed before the capture and Dull Knife and a number of other warriors were put in jail. My recollection is that none of these were finally executed for their crimes. It is not at all improbable that even yet there is preserved in some Cheyenne teepee a scalp lock or two gathered on that the last Indian raid through Kansas.

For several years after, the border was troubled with a fear of another outbreak and during the administration of Governor St. John a border patrol was established, an organization something after the fashion of the Texas rangers. A few well armed and well mounted men rode the southern line of Kansas from the Cowley County border to the Colorado line, but there was no other Indian chief with the daring and organizing ability of Dull Knife to lead the young braves on another expedition of pillage and massacre.

The Hillman Case

It was in the last days of March, 1879, when I reached Medicine Lodge after a long, windy and wearisome trip from Wichita in a freight wagon. I had not been notified that there had been a change of ownership in the frontier newspaper, and I may say in passing that when I started west I had no idea that I was to be a newspaper man. In fact I had never up to that time been inside a newspaper office or seen a type.

When I entered the *Cresset* office on that windy March day, Iliff was seated at a pine table. In front

of him lay his "45" revolver, fully loaded. He filled my imagination of what "Jim Bludso" of the "Arizona Kicker" ought to look like. His hair, black and coarse as that of an Indian, fell down over his collar. His eyes, black and flashing, looked out from under beetling brows with hairs stiff and wiry and as long as the ordinary mustache. His dress was in keeping with his appearance. Around his neck was a red bandana handkerchief. His dark gray woolen shirt, flaring open slightly at the throat, revealed in part the muscular neck and hirsute breast. He wore the leather "chaps" common to the cow men of that day and his pants, stuffed in his boots, were held in place by a belt well filled with loaded cartridges. A woven rawhide quirt hung from his left wrist. The heels of his boots were ornamented with savage-looking spurs. He was booted and spurred and ready to ride. But he was not just then thinking of the range. He was engaged in writing a most vigorous editorial, as I recall, on the Hillman case.

A couple of weeks before that time there had been a tragedy up on Spring Creek, fourteen miles northwest of Medicine Lodge, and a country justice, George Washington Paddock, acting as coroner, had held inquest over the supposedly dead body of John W. Hillman. Hillman, a farm laborer of Douglas County, had, at the instance of one Levy Baldwin, taken out life insurance in various companies to the extent of $25,000 in the aggregate. No cash had been paid, as I now recall, for the initial premiums on the policies. Notes, I think, indorsed by Levy Baldwin had been accepted by the agents. That a man in Hillman's financial circumstances should take out so much insurance on his life, was to say the least, remarkable, for in those days the farm laborer was not paid large wages and the annual premiums on that amount of in-

surance would equal the probable earnings of a man like Hillman.

A man by the name of Brown reported the killing of Hillman. He said that in drawing a gun out of the wagon it was accidentally discharged, the bullet striking Hillman behind the ear and passing through his brain. The verdict of the coroner's jury was based on these supposed facts. The body was buried at Medicine Lodge. I think his wife did not come to the funeral, and altogether there seemed to be a rather remarkable indifference displayed on the part of his relatives and friends. Ten days afterward a representative of one of the insurance companies arrived at Medicine Lodge and had the body exhumed and shipped to Lawrence for identification. Then commenced one of the most celebrated cases in the history of life insurance.

The claim of the insurance companies was that the whole thing was a conspiracy concocted by Baldwin and Hillman to defraud the insurance companies out of $25,000. They declared that a victim by the name of Walters had been employed by Baldwin and Hillman to accompany Hillman and Brown down to Barber County, where Walters was to be murdered and his body buried for that of Hillman, while Hillman, of course, was to disappear. Some months after the killing Brown made a confession, in which he declared that his first statement to the coroner's jury was false; that, as a matter of fact, Walters had been murdered by Hillman at the camp, after which Hillman had disappeared and Walters' body had been buried in his place.

The attorneys for Mrs. Hillman produced several reputable witnesses in Medicine Lodge, who declared that Hillman had visited the Lodge several weeks before the killing, and was detained there during a storm which lasted several days. These witnesses declared that the

man who visited the Lodge on the prior occasion and the man who was shot were one and the same. Knowing these men well, I can not doubt their honesty, and it is hard to believe that they were mistaken. Pictures of the missing man, Walters, and of Hillman did not show any marked resemblance between the two. On the other hand, the circumstances were exceedingly suspicious, the taking out of a $25,000 life insurance by a common laborer, the burial of the body in an unmarked grave, with apparently no intention of removing it to his home at Lawrence, the giving of notes instead of cash for the payment of the first premiums on the policies, the confession of Brown, all tended to make a strong *prima facie* case for the insurance companies.

For a quarter of a century the case dragged its way through the courts, up to the supreme court of the United States and back again and again to the supreme court. Some of the ablest lawyers not only of Kansas, but of other states were engaged on one side or the other. Finally the case got into state politics, when Webb McNall, insurance commissioner under Governor Leedy, ordered the New York Life to pay the Hillman policy or get out of the state. The cases were finally compromised, the companies concluding that it was better to pay what they considered a wrongful claim than to fight the matter longer. If Hillman was not killed, he was never heard from again; if the man who was killed was not Walters then there was another remarkable disappearance. I have little doubt that taking out the policies of insurance was part of a conspiracy to defraud the insurance companies, but I have thought there was a failure of the plan, at least so far as Hillman was concerned, and that he was really killed at the lonesome camp on Spring Creek.

A Frontier Surveyor

When I arrived at Medicine Lodge I found the principal surveyor a hunchback by the name of George Wise. Wise was the owner of a surveyor's tripod, transit, surveyor's chain, and a diminutive donkey. When Wise and his surveyor's outfit were loaded on the back of the donkey the top of his cowboy hat hardly rose above the points of the donkey's ears. Whether Wise knew anything worth mentioning about the science of surveying is a question, but he was in some ways the most accommodating surveyor who ever sighted over a transit.

He was frequently employed by cattlemen who took up claims with the idea of controlling as much running water as possible. Wise operated on the theory that the business of surveying was not to try to find the government corners and establish lines in accordance therewith, but to establish corners and lines that would suit the wishes and convenience of the party who employed him to do the surveying. It was said to be quite customary with him when he had unloaded his tripod and transit from the back of the donkey to ask in his high-pitched, thin voice, "Well, where the ——— do you want these corners located?" I was talking with a resident of Barber County only a few days ago and was told that corner stones can still be found down there which have, apparently, been located without any reference to the government survey. I

have no doubt they were located by Wise, the hunchback.

Like many men suffering from a permanent affliction that causes a physical deformity, Wise was a man of irascible temper, easily irritated and petulant. He always affected the cowboy dress and carried with pride a number "44" revolver, a huge gun which seemed larger on account of the diminutive stature of the man who carried it. When Wise could get a crowd to listen to him, he liked to talk of his prowess and achievements.

One day he commenced a narrative of which he was particularly proud. When he commenced there was quite a large and apparently deeply interested audience, but he had only got fairly started when the hearers commenced to drop out, just casually, as though they had lost interest or happened to think of something somewhere else. Wise was so deeply interested in his own narration that he didn't note the gradual thinning out of the crowd until, happening to turn his head, he observed that there was only one man left, a stranger who had just come in to look at the country and was sitting in the drug store where Wise was telling his story and in the corner where he could not well get away. It probably had not occurred to him to go away, as he had not been let in on the job that was being put on the peppery little hunchback and was listening to the story with polite and apparently interested attention. When Wise saw that the crowd had deliberately walked out on him it filled him with rage. To the astonishment and possibly somewhat to the alarm of the polite stranger the hunchback suddenly pulled his gun out of its holster and, pointing it at the lone auditor, his shrill voice shaking with anger, he yelled: "Don't you move, damn you. You're goin' to listen till I get through."

It is hardly necessary to remark that the stranger did.

Wise was at this time a middle-aged man but had never married. There came as a cook in one of the frontier restaurants a robust female who for some inscrutable reason began to "cotton" to the hunchback surveyor. She must have impressed him with her heft as she was not a damsel fair to look upon. She was built, however, in a way to rival the behemoth of Holy Writ. The courtship was short and ardent and when the knot was tied, apparently both were supremely satisfied. A more strangely assorted couple was perhaps never seen. The bride stood, I should say, about six feet in her stocking feet and would weigh around two hundred and twenty-five, while the groom stood about five feet and would weigh perhaps a hundred net. When they walked out together she towered above her diminutive spouse like one of the Ringling elephants above his keeper. Before the honeymoon was ended, however, the town jokers began deliberately to fan the flame of jealousy in the heart of the hunchback. One after another came to him with tales of cowboys who were trying to make love to his wife. The tale bearers told him that these men were sore on him because he had "cut them out" and that they were trying now to alienate the affections of his matrimonial partner. They told him that while the fact that he was able to win this fair maid away from all these other suitors showed that he was some ladies' man, there was no telling what devilment these disappointed men would try to put into her head when he wasn't watching. The trouble makers succeeded even better than they had hoped, and watched the green eyed monster take possession of the hunchback surveyor with unholy joy. A time came, however, when there was a possibility that the joke might result in

a tragedy. A dance was being held in the restaurant, which had been cleared of tables and counters for that purpose, and the frontier fiddler was droning out his invariable opening call to the "sets" formed for the quadrille, "Jine hands and circle to the left" when a weazened figure, his eyes blazing with wrath and his gun in hand, came raging down the center of the room. It was "Humpy Wise." One of his supposed rivals had invited Mrs. Wise to dance. Wise proposed to stop proceedings. There was to be no "On with the dance, let joy be unconfined" so far as he was concerned, and incidentally it may be remarked that proceedings did stop for the time being. As one of the cowboys remarked, "The durned little crook-backed son-of-a-gun might let that gun go off. You can't always tell."

Frontier Barbers

When I arrived in Medicine Lodge, after a long, wearisome, and dusty trip on a freight wagon, I needed the ministrations of a barber. I asked if the town supported a tonsorial artist, and was told if I meant by those words to describe a party who shaved people and cut their hair, and the like, that the town did. They said I would find the town barber at the livery stable. I assumed that they meant that, during a temporary lull in the rush of business, he was loafing about the livery stable, but that was a mistake. I went to the stable and saw a man of vigorous frame acting as chamber maid for a number of raucous-voiced mules and partially civilized bronchos. I inquired if he had seen the town barber.

"You are looking at him right now," he replied, as he leaned the fork up against the side of the stable and rubbed his hands on his overalls.

"Where is your shop?"

"Right in there, stranger," pointing to a small room boarded off at one corner of the stable.

There were two ordinary chairs in the room and I sat down on one of them. The barber mixed up a half pint or so of lather in an ancient-appearing cup, took a razor from a shelf and stropped it on his bootleg, drew up a chair behind the one on which I was sitting, put one foot up on this chair and bent my head back over his knee until my neck described a parabola and my Adam's apple jutted up into the air like a lowly mound. The barber distributed lather over my countenance with lavish and indiscriminate brush. I inadvertently started to open my mouth to protest and received a spoonful or such a matter. My recollection is, however, that, barring the fact that it was mixed with mule hair after the manner in which hair is mixed with lime in making mortar, it was not different either in taste or consistency from other lather I have sampled during the fleeting years.

By the time the job of amputating my whiskers was finished, I felt that I probably had permanent curvature of the spine, but youth is resilient; my head snapped back into place and there was no subsequent ill effect. After the whisker amputation was completed, the barber wiped my countenance with a sponge which smelled as if it had been used in completing the toilet of the mules; anointed my jaws with Mustang liniment and informed me that my bill was fifteen cents. I had been accustomed to ten cents for a shave and, influenced by the place and service, was inclined to kick and neigh, but came across. The barber informed me that there was really nothing in the barber business in that town, and that he had about decided to quit. He left shortly afterward.

In a few weeks a man came to town, saying that he

had heard Medicine Lodge needed a barber shop and he thought there might be an opening. The valor of ignorance is remarkable. I have often wondered since that the inhabitants of a frontier town like Medicine Lodge, where they were supposed to shoot on slight provocation, permitted that man to practice on their faces and get away alive. He had no barber chair, but employed a local carpenter to make him one. If the carpenter had ever seen a barber chair, there was nothing about his handiwork to indicate it. The chair was entirely rigid. When the victim was once seated, there was no chance for him to shift his position to mitigate the agony. This second alleged barber was an earnest soul. I will say for him that he took his work more seriously than almost any man I ever knew. He had a curious habit when shaving you of running out his tongue as some men do who find writing a most laborious and serious matter.

This habit of his had one thing to recommend it. I used to become so much interested in watching his lingual contortions that I forgot the torture of the razor. I had never supposed before that the human tongue could express by silent movement the varied emotions of the man to whom it belonged. When the razor was operating in proximity to the jugular, the barber's tongue seemed to contract to about the size and appearance of a carpenter's red keel pencil. It would quiver and sometimes perform a rapid spiral motion. This indicated mental excitement and apprehension. When, however, the razor was pulling steadily up and down the cheek, the barber's tongue would drape itself languidly and peacefully over his lower lip.

The only explanation I can see for that barber's immunity from assassination at the hands of some mutilated customer was his earnestness and effort to please. One day a customer by the name of Van Slyke endured

the amputation of his beard with remarkable patience for half or three-quarters of an hour. By that time the barber had gotten over all of Van's face except his upper lip. "Would you like to have your upper lip shaved?" he asked.

"No," patiently replied Van Slyke. "For awhile after I got into the chair I thought I would just let you pull out all the whiskers and save me from any further expense for shaving, but I have changed my mind. I am going to save what are left just to show these guys around here that I can raise hair on my face if I want to."

"Windy Smith" and "Tiger Jack"

There is something about the frontier that seems to attract to it more varied and peculiar kinds of individuals than can be found elsewhere. These peculiar types were interesting to me and may be to such as take the time and trouble to read this series of stories of early western Kansas life and times.

Among the peculiar individuals who attracted my attention was one known as "Windy Smith." Smith's job was to transport the mail twice a week from Medicine Lodge to a couple of postoffices which had been established in southwest Barber and southeast Comanche Counties for the benefit of the ranchmen who pastured their cattle in that locality. The mail was carried on a somewhat ancient and discouraged appearing, sway-backed, dun-colored mule. The mule was the property of "Windy Smith," but probably was somewhat encumbered by a chattel mortgage.

As I was young and unmarried, I frequently stayed in the newspaper office evenings and after Smith had delivered the mail and cared for his mule, he got in the

habit of coming to the office to loaf. On about the first of these occasions he told me that he was from Virginia and owned, as I recall, a quarter section of land there. He found me, as he supposed, an interested listener. He did not often find that kind of listeners. The men who knew him were apt to find some excuse to go somewhere else when he commenced to talk, but I listened well and it warmed the cockles of his heart. The next time he came to the office his land holdings had increased to a section. I did not call attention to the discrepancy. He probably thought I had forgotten what he had told me the last time, or maybe he had forgotten himself. I was still a good listener and that fact won me favor in his eyes. At the next evening session I noted that he had increased his acreage to two sections, but still I seemed interested and credulous. As a matter of fact, I was becoming interested. I was curious to know just how far his imagination would expand.

From that time on the imaginary holdings of "Windy Smith" increased faster than Falstaff's "men in buckram." In a couple of weeks he assured me unblushingly that he was the owner of 20,000 acres of Virginia land and in a month his possessions amounted to more than 40,000 acres. After an hour of this sort of pipe dreaming he would go away to seek repose in the hay loft of the stable that sheltered his sway-backed dun mule, and the next morning would ride out of town on his long and lonesome journey across the almost uninhabited cattle ranges. I never had the heart either to call attention to his differences of statement or to express a doubt as to their accuracy. These lies were really his only recreation. They did no harm so far as I could discover. While he was telling them the old mail carrier lived in imagination surrounded by fabulous wealth, the master of vast possessions. Of

course after it was over he had to get down to the sordid realities of life—a bed in a hay mow, a salary of perhaps $40 per month out of which had to be paid the keep of the sway-backed dun mule—but for a little while he was a Croesus in his mind, and as an apparently credulous and interested listener I contributed to his temporary happiness.

In the Medicine valley some three or four miles south of Medicine Lodge lived John Sparks, commonly known as "Tiger Jack." The fact was that Sparks was one of the most harmless of men, but, like "Windy Smith," gifted with a marvelous imagination. I think living in comparative solitude, as the early settlers did, was calculated to develop the imagination. "Tiger Jack's" imagination did not run to vast possessions, but to personal prowess and daring. It seemed to me that a great many of these peculiar characters drifted into my office and unloaded on me the product of their imaginations. Sparks used up several hours of my time in this way. He told me that when the buffalo were plentiful he was by all odds the most skilled and successful hunter that there was on the plains. I asked him if he had ever been in any close places while hunting. He assured me that he had. He said his closest call was one day when he got caught in a vast herd of stampeded buffalo. He was riding a small pony and saw that he was liable to be run over and trampled to death. Or if he kept up with the herd he saw that the buffalo were heading for a high bluff and that if he and his pony were forced over it was sure death. But his presence of mind did not desert him. He jumped from the back of his pony on to the back of the nearest buffalo and from the back of that buffalo on to the back of another and then on to another until he finally reached the outer edge of the herd, traveling a mile or so on the backs of buffalo.

I asked him how he got the name of "Tiger Jack" and he proceeded to unfold a marvelous story of an adventure in Colorado. He informed me confidentially that it was owing to his efforts that Colorado was prevented from going out of the Union. The fact that Colorado was not admitted to the Union until eleven years after the War of the Rebellion seemed to have escaped his memory. After his heroic stand for loyalty he had learned that a white woman was held in captivity by a band of Indians and, feeling that the Union was saved so far as Colorado was concerned, he immediately set out like a knight of old to rescue the captive lady.

"I found the Indian village where the woman was," said Sparks, "and taking the bridle rein in my teeth and a revolver in each hand, I rode right in, grabbed the woman and put her up on the saddle in front of me and rode away. That was where I got the title of 'Tiger Jack.'" I submit that a man who could lift a woman up on his saddle while carrying a revolver in each hand, and with his bridle rein in his teeth, would be entitled to be called "Tiger Jack."

It was a peculiarity of "Tiger Jack's" stories that, while they nearly all led right up to the very edge of slaughter, I do not recall that he ever claimed to have killed anybody. Generally his presence was sufficient to strike terror to the hearts of his opponents, and so he was saved from the necessity of killing anyone. I think the fact was that Sparks, who was really, as I have said, a harmless and inoffensive man, did not want to imagine that he had really killed anybody, but did want, like a good many timid men, to create the impression that he was a man of great daring and prowess. For a good while after making his acquaintance I regarded him as quite an interesting liar, but when he began to repeat on me, telling me the same lies

over and over again, they grew monotonous, stale, and unprofitable.

Bad Men—Real and Imitations

There has been a great deal written about the "bad men" of the frontier, but not a great deal about their harmless imitators. The real "bad man" of the frontier was *sui generis*. He had certain marked characteristics. He was generally quiet even when in liquor and there was a reason for this, for after all the real "bad man" was not a fair fighter. When he made up his mind to kill, it was not his purpose to notify the victim of his intention. He was not of the rattlesnake type which gave warning when about to strike, but, like the copperhead or deadly adder, he struck swiftly and with deadly certainty; yet, with a certain cunning, he generally managed to make it seem that he killed in self-defense.

It is true that there were noisy cowboys who, when filled with the craze-producing hell broth that passed for whisky in the frontier towns, would go on a rampage and howl and shoot, but generally that kind of a man did not aim to kill anybody in particular; he was just firing his gun for the purpose of creating a general panic and any spectator who happened to be in range was likely to get hurt, not because the drunken cowboy wanted to hurt him, but because he was unfortunate enough to get in the way of a flying bullet.

There were also a few men who were in no sense dangerous, but who possessed a curious egotism that made them want to create the impression that they were really desperate characters. They made no impression on those who were acquainted with them, but a stranger listening to one of them for the first time was likely to get the impression that he was listening to a real

man, whose weapon was fairly covered with notches, recording the number of victims of his deadly aim. Among this class the man who most impressed himself on my memory was "Uncle Bill Carl," who had a claim, which he called his ranch, on the Medicine.

"Uncle Bill" was really a kindly soul, as harmless as a setter pup, but dowered by nature with a voice like the roaring of many waters. So far as I can recall he never even carried a gun, which after all was an evidence of wisdom, for had he foolishly gone armed with his mouth going off at random some man would almost certainly have called his bluff and killed him. As a romancer "Uncle Bill" had few equals, especially when he was more or less illuminated. It was under such a condition of partial inebriety that he was wont to make his announcement, especially if a tenderfoot happened to be present.

"I'm Buckskin Bill from the Rocky Mountains," he would roar in a voice which made the rafters shake. "When I was in my prime and started on the warpath grizzly bears hunted their holes in terror and women called in the children playin' among the muskeet, sayin' 'Come in here to your mother, Buckskin Bill is comin' down the mountain with blood in his eye.' But Buckskin Bill from the Rocky Mountains never harmed wimmen er children. When I went on the war path it was as an avenger of blood. 'Dead Eye Dick' and Slade, the chief of the bandits, knowed Buckskin Bill, and when they heard me comin' they fled fur shelter to the deepest recesses of the mountains.

"I hev whipped twice my weight of mountain lions and strangled a wild cat with each hand when they was both a-clawin' me. I could shoot so fast that five bullets out of my gun would hit a man after I ceased firin'. With the bridle rein in my teeth and a gun in each hand, I hev rode into a band of a thousand mur-

derin' Apaches and rescued a weepin' female from her bloodthirsty captors."

Having delivered himself of this historical information in a deep roaring voice, he would wind up with a song about

> "Hairlip Sal from Bitter Creek,
> She wore a number nine;
> She kicked the hat off a Texas galoot
> To the tune of 'Auld Lang Syne.' "

Occasionally "Uncle Bill" made a pilgrimage to Wichita, which was then a decidedly wide-open town. One of the thirst parlors of the frontier metropolis was kept by a German of uncertain temper, which was not improved by the fact that occasionally the rounders made a concerted raid on his free lunch counter and went away without buying even so much as a glass of beer. "Uncle Bill" happened in at one of the times when the Dutchman had an accumulation of grievances. There was what was called a reform administration just elected, which not only insisted on boosting the saloon license fifty per cent, but also passed a midnight closing ordinance and instructed the police to order the saloonkeepers to have less noise about their places of business.

Just before "Uncle Bill" blew in, the Dutchman had been called on to pay his increased license; the boys had eaten all his cheese, wienerwurst, and other refreshments on his free lunch counter and then insolently directed him to lay in a new supply before they returned. The policeman on that beat had just informed him that there was complaint that there was too much noise around the place. Taken altogether, he was in no amiable frame of mind. As "Uncle Bill" lined up with the crowd in front of the bar he roared out, "I'm Buckskin Bill from the Rocky Mountains. I kin

whip twice my weight in mountain lions and hev strangled two wild cats at one time, one with each hand when both was clawin' at my frame. Whoop!"

It was just about the last straw. The Dutchman sized "Uncle Bill" up correctly and therefore was not impressed or afraid.

"I dond care veder you vas Puckskin Bill or Sheepskin Bill, I vont haf you makin' all this noise my saloon in and bringin' der bolice here preddy quick all of a sudden mit. I trow you oud mit here," and, suiting the action to the word, he grasped "Buckskin Bill from the Rocky Mountains" by the collar and slack of his pants and heaved him out of the door. "Uncle Bill" was just gathering himself up from the sidewalk when a friend who knew him came by.

"What's the trouble, 'Uncle Bill?' "

"Why, that ——— Dutchman throwed me out."

"What!" exclaimed the friend in feigned surprise, "You don't mean to say that a Dutch saloonkeeper threw Buckskin Bill from the Rocky Mountains out of the saloon and still lives?"

"Hush, son, hush!" replied Bill, as he brushed the dirt from his clothes in an uncertain manner, 'D'you suppose that Buckskin Bill from the Rocky Mountains, the terror of Wild Cat Gulch, is goin' to disgrace himself fightin' with a ——— Limburger-eatin' Dutchman?"

A Border Justice

When the town of Medicine Lodge had achieved a population of two hundred and fifty, some of the enterprising citizens decided that it ought to be incorporated. They argued that it would give more dignity and tone to the town if it had a regular city government, with a mayor and a city marshal wearing his star. The

required petition was circulated and signed by a majority of the electors of the village, duly presented to the board of county commissioners, the proper publication made and Medicine Lodge became a city of the third class. Among the earliest selections for the office of police judge was L. D. Hess, who had come to the frontier town to start a grocery store.

Hess was a man who wasted fewer words in expressing his ideas than almost any man I ever knew. He was also the most deliberate man, with the exception of the late Judge J. D. McFarland, that I ever met. During an acquaintance of several years I never saw him show any indications of excitement or haste. Whether the town was stirred by the advent of a cowboy filled with "hell's delight," riding full tilt through the street, scattering shots and howling profanity as he rode, or by a western zephyr cavorting across the townsite filling the air with dust and shingles and awnings ripped from their moorings, Judge Hess maintained the same imperturbable calm and moved about his appointed tasks with the same grave deliberation.

One day the Judge was proceeding along the street with his slow, but even stride, carrying a ladder, his head thrust between the rungs and the ladder resting on his ample shoulders, for it may be noted here that notwithstanding his peacefulness of disposition, in these days the Judge was a powerful man. He never quarreled or "fussed" with any man. Apparently his temper was never ruffled. He just went along attending strictly to his own business in his slow, easy, quiet way like a man who was at peace with himself and all mankind. On this particular day a cowboy from one of the territory cattle ranges happened to be in town on a vacation. He had already imbibed several drinks of the far-reaching liquor that was dispensed at that

date and was filled with booze and happiness. As the Judge passed him carrying the ladder a delightful idea worked its way into the brain of the cowboy. He suddenly caught the end of the ladder and swung it violently around. The Judge caught unawares spun around rapidly, but managed to keep his feet under him. Those of us who knew him were compelled to say that we had never seen him move with such alacrity. His countenance, however, remained calm and unruffled as a duck pond unstirred by the wind.

As soon as he fully recovered his equilibrium he lifted the ladder from his shoulders, set it up carefully against the side of the building, moved the base back a trifle so that there would be no danger of its toppling over, stepped back and looked at the ladder to see that it was standing to suit him, and then turned his gaze slowly toward the cowboy, who was viewing the situation with great delight.

Then there was a surprise for the man from the range. The Judge moved deliberately over toward the cowboy and suddenly his powerful right arm straightened. His fist caught the cowboy fairly under the chin and almost lifted him clear of the ground. The cowboy lit out near the middle of the street and for some moments subsequent proceedings did not interest him.

On the countenance of the Judge there was no indication of either excitement, anger, or triumph. Calmly he took the ladder from the wall, adjusted it to his shoulders with his head between the rungs, and slowly wended his way toward his store, where he also kept his office as police judge. There, without the slightest indication of nervousness, he opened his docket and made an entry of case of the "City of Medicine Lodge vs. L. D. Hess; charge, disturbing the peace by fighting; defendant fined $2 and costs; fine

and costs paid by defendant; case closed." With justice fully satisfied and the law vindicated, Judge Hess went with unruffled calm about his business. But other cowboys did not try to have fun with him.

A Frontier Attorney

Among the first attorneys to settle in Medicine Lodge was a young Irishman, in after years known all over Kansas as Mike Sutton. At the age of fifteen Mike had entered the army, spent two years as a soldier, and when peace came determined to get an education and study law.

In the early seventies, perhaps 1873 or 1874, he landed in Medicine Lodge and proclaimed himself a lawyer. Business for a lawyer was decidedly scarce and the picking slim. Mike was, however, single and care-free and not disposed to worry over his financial condition. To save laundry bills he washed his single shirt in the clear, soft waters of Elm Creek and rested under the shade of the plum bushes while the garment dried in the sun. On one occasion the driver of the buckboard, which carried the government mail between Medicine Lodge and Hutchinson, saw a shirt draped over a bush near the crossing and was about to appropriate it, when Mike, concealed in the bushes, yelled at him. "Hi, there, let that shirt alone. You have two shirts that I know of. What do you want to rob a man for who only has one? This is no Garden of Eden where a man can run naked like Adam did before he climbed that apple tree!"

Mike formed a partnership with another indigent young lawyer by the name of Whitelaw, who for some inscrutable reason had gotten the notion in his head that there was room for another lawyer in the frontier

town. Somehow the firm got a case that had to be tried at Hutchinson. As the time of trial approached Mike, for the first time since his settlement in the town, appeared to be somewhat worried. "Jim," said he to his partner, "one of us has got to go to Hutchinson and try that case. I really haven't clothes fitting to appear in court, but you have a pair of overalls, nearly new, and a shirt that you haven't been wearing more than six months. You also have a pair of socks and your toes are not sticking out of your shoes. You will have to go and show the court that this firm has some style and dignity."

In 1876 or 1877 Mike decided that the prospects for law business in Medicine Lodge were not encouraging and moved to the wild and woolly town of Dodge, then the end of the great Texas cattle trail and there he lived until his death about a year ago. He built up a lucrative practice, became recognized as one of the most successful and resourceful lawyers in the state of Kansas, and died possessed of a comfortable fortune.

A story is told of the resourcefulness of Mike Sutton in the trial of a law suit. A witness was on the stand whose testimony, unless it could be discounted in some way, would probably knock the bottom out of Mike's case. It looked as if he was up against it when suddenly the thought occurred to him to introduce as a witness an expert on prevarication.

"Buffalo Jones," the well known hunter and town builder, was sitting in the room where the case was being tried. "Buffalo Jones will take the stand," said Mike. The case was in justice court.

"Buffalo" had not anticipated being called into the case, but he promptly came forward and was sworn.

"State your name and place of residence," said Mike.

"My name is C. J. Jones. I live in Garden City, Kan."

"How long have you lived in western Kansas?"

"Thirty years."

"From your experience and observation of men in this western country are you able to tell from the expression of countenance, the manner of speech, and the actions of a man whether or not he is a liar?"

"I am," calmly answered Jones.

"You are something of a liar yourself, are you not, Mr. Jones?"

"I am," again calmly answered Jones.

"Have you carefully observed the countenance, the manner of speech, and the actions of the witness who just left the stand?"

"I have."

"Will you state to the court as an expert on prevarication whether or not this witness is a liar?"

"My judgment as an expert on truth and prevarication is that he is a liar."

"Take the witness," said Mike triumphantly.

It was in vain that the attorney on the other side protested to the justice of the peace that this was an unheard-of proceeding, that the books nowhere gave any authority for introducing an expert on prevarication and that Jones had not in any event qualified himself to testify as an expert. The justice knew that Mike Sutton understood his business and decided as follows: "It is the opinion of this court that Mike would introduce no incompetent testimony."

Didn't Recollect the President

Back in the seventies there lived in the state of New York a widow possessed of considerable wealth and a son named Stanley, who caused a lot of worry and gray hairs to his fond mother, for Stanley was decidedly inclined to wander into the primrose-lined

paths of sin. He looked on the wine when it was red. He also looked on and sampled practically everything else that had a kick to it and as a result the boy was fairly well lit up most of the time.

It occurred to Mrs. Parsons, Stanley's mother, that if she could get her boy far away from the giddy throng and lure of the city, he would reform and become a credit to his name and family. She had heard of the great free ranges of the west, where cattle fed on the sweet native grasses and fattened without any expense worth mentioning. It occurred to her that if her wayward boy could be induced to go out there where he would be widely separated from his old-time companions and kept busy looking after his grazing herd and communing with nature, he would forget his acquired thirst and likewise accumulate wealth, because the widow was inclined to be thrifty as well as anxious for the moral welfare of her son. "Stan" fell in with the idea readily enough, because there was in his blood a certain longing for adventure, and then, when out of reach of his mother, he would be freed from her chidings.

So one day in the later seventies he landed at Medicine Lodge with enough money to buy a moderate sized herd of cattle and secured a range a few miles west of the frontier town. If Stan was separated from his old cronies, he had hardly more than landed in the cattle country until he began to associate himself with new ones, who, when the opportunity offered, could hit a fairly rapid pace themselves, and it may be remarked in passing that Stan was generally well to the front of the procession.

What his fond mother did not know was that while the bounding west, that part included in the great cattle ranges, did not boast of the ornate saloons where the devotees of Bacchus were wont to gather and per-

form their libations, it was supplied with a brand of liquor of far-reaching and intensive power. Men who tarried with it long and often were apt to acquire a new variety of delirium tremens, under the influence of which their diseased imaginations not only beheld ordinary reptiles but prehistoric monsters—ichthyosauruses, dynastidans, pterodactyls, and mournful whangdoodles from the mountains of Hepsidam. Stan Parsons imbibed large quantities of the fluid commonly known in that section as "Hell's Delight," and was "stewed" most of the time. When the general quietude of the railroadless town of Medicine Lodge palled on him he would go to Hutchinson, where he would remain for days or even weeks in a condition of partial or total inebriation, his cattle meanwhile looking out for themselves. It is hardly necessary to say that his herd did not increase and multiply.

In the fall of 1879 Rutherford B. Hayes, then president of the United States, decided to make an official tour of the country. The journey planned was the most extensive ever taken by a president up to that time. Accompanied by one or two members of his cabinet, his wife, Lucy, who some people were mean enough to say was the real president of the republic during Rutherford's term of office, General Sherman, and other notables, the presidential party crossed the continent, visited several of the Pacific coast cities and on the return trip passed through Kansas. This was the first time that a president had visited the Sunflower state while in office and there was great interest in his journey. At that time there were many thousands of the men who had followed Sherman to the sea living in Kansas and they were especially elated at the prospect of meeting their old commander; in fact Sherman received a more enthusiastic welcome, so far as Kansas was concerned, than the president.

Arrangements were made for a number of stops in the state, one of them at Hutchinson. In his day Rutherford B. Hayes was the most expert handshaker among public men. He had a way of reaching out and getting hold of the other fellow's hand and doing the shaking himself. This was done as a matter of self-protection, for if a public man at a general reception were to permit his hand to be gripped by a few thousand muscular and earnest sons of toil he would have little more use for that hand for weeks afterward. Hayes not only always took the initiative in the public handshaking, but he had the manner of a man who was grasping the hand of an old friend whom he had not seen for years. When the presidential train stopped at Hutchinson, Hayes took his place on the platform and the crowd formed in single file to pass and shake his hand or rather to let their hands be shaken.

It happened that just at that time Stan Parsons was making one of his visits to the town on the Cowskin, and, noting the gathering crowd, went down to the depot with a somewhat hazy idea of finding out what it was all about. Once in the crowd he staggered into line and finally came to the President. Hayes, with his ingratiating, friendly smile and manner reached out, grasped Stan's hand, and shook it heartily. Stan paused, regarded Hayes from head to foot with drunken gravity, scratched his head in a vain endeavor to recollect, and finally said: "By G—— stranger, you seem to have the advantage of me. Seems to me that I ought to know your face, but damned if I can remember your name at all."

Some Limbs of the Law

I do not know whether it was the case with all frontier towns, but certainly in the early days of Medicine

Lodge the legal profession was not taken seriously. There were no barriers to admission to the bar. The less a man knew the more readily he was admitted. If there was a suspicion that the applicant did know something about law, there might be some little curiosity on the part of the committee appointed to examine him as to his qualifications, to find out what he did know, but where it was entirely evident that the man applying for admission neither knew anything about law nor even suspected anything about it, the task of the examining committee was easy. The examination consisted of just one question: "Are you ready and willing to set 'em up?"

With this simple formality disposed of, the committee on examination returned into court and reported that they had examined the applicant and found him well qualified for admission to the bar; he had already been admitted to one bar to their personal knowledge and had shown reasonable familiarity with the procedure there. Then the applicant held up his right hand, swore to support the Constitution of the United States and the Constitution of the state of Kansas and became, so far as the record was concerned, a full-fledged member of the legal profession. A good many men for one reason and another have an ambition to be called lawyers and to create the impression among those who do not know them well, that they are familiar with the intricacies and technicalities of court procedure. So it came about that a good many men were admitted to the bar in that frontier town who neither knew anything about law or court practice then, nor afterward. Now there were some really able lawyers out there even in the early days. It might be supposed that they would have objected to the admission of these entirely unqualified men, but their viewpoint was this: Ninety per cent. of these persons would never dare to

display their ignorance by coming into court, and the other ten per cent. who might have the nerve to undertake to practice would probably get so tangled up that they would be compelled to get a real lawyer to help them out and therefore these ignoramuses would really create business for attorneys who had some knowledge and skill.

Once in a while a man who knew practically no law would hang out his sign, and even undertake to practice in J. P. courts. He would also get an appointment as notary public, and gather in a few dollars from taking acknowledgments and other notary work.

One of these was H. Davis. Just how he managed to exist was something of a mystery, as he was never known, as I recollect, to do any work outside of his profession, and mighty little inside of it. True, he was frequently, I might say generally, financially embarrassed, but as this had become his normal condition, it did not seem to worry him any, although I recall one exception to this general rule. Davis had his laundry work done by a tall, angular lady from south Missouri or northern Arkansas, by the name of Mrs. Upperman. Mrs. Upperman was a female of vitriolic temper, and given at times to intemperate speech. The one sweet solace of her simple life was a cob pipe with an extra long stem. This pipe was a barometer, indicating with reasonable certainty when there was domestic calm or storm in the Upperman household. If Mrs. Upperman was feeling at peace with the world and her family, the smoke curled easily from the pipe and was emitted in regular puffs from her mouth and blown into graceful rings in the surrounding atmosphere; but if there was a storm brewing, the draft on the pipe was increased until the tobacco burned a living coal and the smoke was emitted from her mouth in a cloud that nearly obscured the

surrounding landscape. At such times her spouse, who like the lily of the field, generally toiled not and neither did he spin, being content to live on his wife's bounty, took warning from the signs he had learned to understand, and hunted for more peaceful localities until the domestic storm had blown over. Davis' washing was not large. His financial circumstances tended to limit his wardrobe, but at that it cost a few cents to have a shirt and collar washed and ironed once a week, and for several weeks, with one excuse and another, he had put off the payment of his wash bill.

The time came when the patience of Mrs. Upperman was exhausted. She did not carry a large stock of patience at any time and then other things had just at that time made drafts on what little she had. She made up her mind that lawyer Davis would pay her that $1.50 he owed her or she would know the reason why. She was also in a frame of mind, as she said, to "take it out of his worthless hide" if he didn't come across. Her residence was down in the bottom and on a bright and cheerful morning she started on her quest for Davis. Her faithful pipe was drawing well and as she proceeded toward the place where the alleged lawyer had his office, a stream of smoke rolled back over her shoulder like the smoke from the engine of a heavy freight train on the upgrade.

Davis saw her first and scented danger. He made a somewhat undignified retreat to what he called his office, a room in the only two-story building in the town, and locked and barricaded the door a minute or so before Mrs. Upperman reached there. The superheated remarks of the wash lady poured through the keyhole, but elicited no reply in kind from Davis. She gave him an extended and vivid description of the various things she intended to do to him and also painted a word picture of how he would look after she got

through with him. To make the matter worse, much worse in fact, Davis knew that she had a deep and earnest purpose to carry her threats into execution. He resorted at first to blandishments calculated to appeal to female vanity, but was informed through the keyhole that he needn't try any "soft soapin', honey fuglin' business" with her. The only way he could square himself was to dig up $1.50. There was nothing left but unconditional surrender. The impecunious notary public assured her that if she would let him out he would dig up the money, and it may be remarked in passing that she stayed with him until he did.

At that time the late Samuel R. Peters was judge of the district in which Barber County was included. To reach there he had to travel on a buckboard nearly a hundred miles and once for some reason he failed to arrive at the time designated by statute for the opening of the term. He had sent a letter requesting that some one be elected judge *pro tem.* until he could get there. The leader of the Medicine Lodge bar solemnly arose on the regular opening day of court and moved that Hon. Harve Davis be elected judge *pro tem.* The proposal was hailed with joy by those present and Davis was duly elected. He was flattered by the honor conferred, but after taking the seat usually occupied by the judge, was at a loss how to proceed. The leading lawyer again rose and gravely said: "I move that this court do now adjourn." The judge *pro tem.* did not know much about court procedure but it ran through his mind that a motion to adjourn was always in order. "It is moved that this court do now adjourn. Is there a second to that motion?" asked the court. There was. "It is moved and seconded that this court do now adjourn. All in favor of that motion signify the same by saying aye." There was a loud chorus of ayes. "All opposed will signify the same by saying

no. The ayes seem to have it and the court stands adjourned."

Another individual admitted to the bar under the free and easy method I have mentioned was "Red," perhaps better known as "Skunk" Conner. Conner, a large, beefy individual who had a small herd of cattle down on the Medicine, was accustomed to add to his income by trapping skunks, which were quite plentiful. As a result of his devotion to the chase, when the wind was right a person with reasonably keen olfactories could detect his presence when he was still afar off. Some of his critics insisted that the reason he was so successful in trapping skunks was because they took him for a member of their tribe, and just naturally followed him, charmed by his smell, even as the animals of mythology followed Orpheus, charmed by the silver notes of his flute.

Conner decided that he wanted to be admitted to the bar. There was difficulty in getting a committee to examine him, a number of members of the bar insisting that, even if "Skunk" agreed to set 'em up, the smell of him would spoil the taste of the "licker." He was, however, admitted, and while, so far as I know, he never undertook to conduct a case himself, he did become involved in litigation with some of his neighbor ranchmen and was defeated at the trial of the case. Here was his chance to show his knowledge of the law. "Well," he said to his attorney, "this isn't goin' to stop here. We will just get our witnesses together and go to the supreme court."

"The Pilgrim Bard"

Among the unique characters who settled in Barber County in the early seventies was Orange Scott Cum-

mins, better known as the "Pilgrim Bard." He was born in the state of Ohio, but at the early age of two years, took his parents by their hands and moved west to the then wilderness of Iowa. Indians were plentiful and young redskins were often his playmates. When he grew to manhood he was possessed of a swarthy complexion and jet black hair, which he permitted to grow long. In appearance he looked enough like an Indian to be mistaken for a member of the tribe. Indeed the story was at one time circulated that the Indians had taken a fancy to the Cummins child and exchanged one of their own children for it, a story so highly improbable that it was not worth considering. When I first met the frontier poet he was engaged in the business of transporting the bones of the deceased buffalo to Wichita, then the greatest bone market in the world. He was addressing his mules in language that, at least prior to the late war, would not have been permissible in an Epworth League meeting, and while his style of profanity was strikingly artistic, I did not know until afterward that I was listening to the heartfelt expressions of a poetic soul.

His cabin, or cottonwood shanty, was located on the banks of a clear running and beautiful little stream which bore the unromantic cognomen of "Mule Creek." He named his place the "Last Chance," because it was the last chance for pilgrims heading for the still further west to get a meal under a roof, for at this time beyond lay the untamed wilderness, stretching away to the slopes of the Rocky Mountains.

His poems were suggested by environment, by climatic conditions, by the incidents of border life. In my opinion some of them rank up with some of the best productions of James Whitcomb Riley. Here, for example, is his "Ode to the March Wind":

When the old house keeps a rockin'
Like as if 'twas goin' to fall;
And the pebbles keep a knockin'—
Knockin' 'gainst the fragile wall,
Sets a feller thinkin'
Of fell goblin, wraith or fiend,
Fancy into fancy linkin'
Yet 'tis nothin' but the wind;
Roar, roar, rattle door,
Through each cranny in the floor,
Through each crack and crevice small,
Where a chigger scarce could crawl
Every seam 'tis sure to find
O beshrew the bleak March wind.

All day long to feed the critters,
I have tried my level best;
Tears my fodder into fritters,
Splits the endgate of my vest;
Almost sets a feller cussin'
Yet too well I understand,
If I ope' my mouth a fussin'
'Twould soon fill with dust and sand;
Shriek, shriek, creak, creak—
Seven long days in a week;
Though my language seems unkind,
Devil take the bleak March wind.

While hauling bones to Wichita he camped one day on Smoots Creek in a blinding sand storm which prompted him to write the following:

"O bury me not in the land of sand"
The words came low from a granger man
As he wearily sat down on the beam of his plow,
His face was wan and his heart beat low.

Battered and blowed for three years past
By the raging wind and sandy blast,
Until now he felt that the end was nigh,
So he shut up his fists and gave up to die.

"I could not sleep," the granger said,
"Where the wind and sand sweep o'er my head;
O grant the request of a worn out man
And bury me not in the land of sand."

"I had ever hoped to be lowly laid,
When my time had come, 'neath the paw-paw shade
Where the loving hands of my own wife's kin
Would dig a grave that wouldn't cave in."

His faltering voice was failing fast;
It seemed each breath would be his last,
His eyes had well nigh ceased to wink,
When a passing freighter gave him a drink.

Then he sprang to his feet with a sudden start,
Unhitched from the plow and hooked onto the cart,
His red headed women and children climb in
And away they go to his own wife's kin.

As he seized the whip in bony hand,
"Farewell," said he, "to the land of sand;
Farewell to the grave—I was just on its brink.
May God bless the freighter who gave me the drink."

In a more cheerful vein was his poem "When it Rains."

I can hear the frogs a-croakin'
While it rains,
Tranquilly their hides are soakin'
While it rains;
And the beetle and the skeeter
Singin' hymns to common meter,
Ever sounds the chorus sweeter
While it rains.

I can see the small boy wadin'
While it rains,
Every muddy pool invadin'
While it rains;

And the bosom of his breeches
To the muddy water reaches—
Then his ma a lesson teaches
While it rains.

Hark! amid the thunder's rumblin'
While it rains,
Hear the chronic kicker grumblin'
While it rains.
Three days since his creak uncivil
Told of drouth's impending evil,
Now the mud just beats the devil
While it rains.

Solves the great financial trouble
Glorious rain,
Bursts full many a bogus bubble—
Glorious rain,
Keeps the dread hot winds from blowin'
Keeps the monster crops a-growin'
Keeps the farmer's hopes a-glowin'
Bless the rain.

Scott Cummins never held office so far as I know, but once. It is said that before landing in Barber County, he stopped for a little while at the then just beginning village of Wellington. There was a vacancy in the office of justice of the peace and the lawyers finally persuaded the poet to take the job. One of the first cases to be brought before Squire Cummins was filed by D. N. Caldwell. Caldwell was sick and J. M. Hoover attended to the case for him. On the other side were John G. Tucker and Mike Sutton, both now dead. The attorneys filed various motions which Cummins didn't understand and argued and wrangled for hours. Cummins at that time was keeping a hotel. When the dinner bell rang the wearied and disgusted justice announced that the court would adjourn until

1:30. Then straightening up he said, "Now that the court has adjourned I want to tell you d—n lawyers what I think of you. I told you to start with that I didn't have sense enough to be justice of the peace, but every one of you promised to help me. You have helped me, haven't you? Yes, you have helped me like h—l." When 1:30 came the justice didn't appear in the court room. After waiting an hour the lawyers sent a messenger after him. He sent back by the messenger this answer: "Tell them damned lawyers that I have resigned and say for them to go to hell."

Phrenology under Difficulties

Harking back through the mists of years it seems as if the humor of the frontier was somewhat crude and inconsiderate of the persons toward whom it was directed, but it must be acknowledged that it was characterized by a large degree of originality and spontaneity. The frontiersman delighted in practical jokes and was decidedly careless about the effect on the nerves of the victim. The tenderfoot was hailed with joy, not because the seasoned and "hard-boiled" frontiersmen were anxious to welcome the stranger within their gates and show him honor, but because of the probability that he would furnish material for the particular kind of amusement in which they delighted and thus add to the joy of their existence.

It was along in the middle seventies when phrenology was more of a vogue than it is at present, that an itinerant lecturer strayed out as far as Dodge City and let it be known that he would give a more or less illustrated lecture on the science of phrenology and demonstrate his ability to tell the character and adaptability of the people in his audience by examining their cranial

development. Almost as soon as they had given him the look over it occurred to the crowd gathered for refreshments in the Long Branch saloon, that a kindly Providence had delivered into their hands a man who, if properly handled, would for an hour or two afford joyous relief from the tedium of their existence. It was immediately decided to have a committee wait on the "professor" and not only invite but urge him to give an exhibition of his knowledge in the "Red Light" dance hall that evening.

The committee assured him that the town had long been waiting for a man of his profession to come and enlighten the public. They said that there were a lot of long-haired sons of mavericks about whom the people of Dodge were in doubt. There was a sort of general impression that maybe these persons were horse thieves, or if they were not already horse thieves, they might be heading that way and they wanted a man who understood phrenology to tell them, so that they would know what to do. They said that if these suspected parties were really horse thieves, or would naturally take to that business, it would save a lot of trouble and property just to hang them now, rather than let them go ahead and do a lot of damage and compel reputable citizens to quit their regular work of selling booze, dealing faro, roulette and the like and go out and hunt them up and hang them, and maybe get some good men shot up in the course of the festivities.

The "professor" demurred against this radical kind of performance, saying that of course he would not like to be responsible for getting some man hung who really hadn't up to that time committed any crime but might perhaps have some natural tendencies in that direction. The committee only became the more insistent. They said that they had been waiting for him for a

good while. They declared that his fame had preceded him and that the whole town had been putting off doing anything radical until he came; they had understood, they said, that he was heading that way. Furthermore, they informed him that now that he was there he simply couldn't dodge the responsibility. They intended to have him feel a lot of heads and tell just what was in them and if he didn't do it there were three or four men who had got a good deal worked up and anxious who might take a shot at him. The leader of the committee, Bat Masterson, said that of course the committee would do what they could to protect him, but they simply couldn't answer for his safety if he refused to give his lecture. On the other hand, they promised that if he would lecture they would not only see that he had a full house but that he could proceed without interruption, or if there was any interruption and gun play they would protect him. It was a serious alternative, but on the whole it seemed to the "professor" that it might be safer to go ahead and give his lecture than to incur the hostility of the town by refusing to give it.

It is hardly necessary to say that the "professor" was greeted by a full house. There were a number of rather disquieting features about the meeting. For example, the hip of every man supported a six-shooter. He was conducted to the platform usually occupied by the orchestra which furnished the music for the dances. Bat Masterson presided and called the assembly to order. He told the crowd that he was going to introduce to them "Professor ——," who probably had more knowledge of the science of phrenology than any other man in the United States, and who could tell as soon as he laid his hands on the head of a man all about his disposition, what he was good for, what kind of a man his great-grandfather was; whether he was a cat-

tle rustler or an honest man; whether he would bluff on a single pair or lay down a full hand with queens at the top; whether he was concealing the fact that he had a Mexican wife down on the trail—in short, could read the man just like an open book.

It was the purpose of the meeting, said Bat, to call out some of the leading citizens to test out the knowledge of the phrenologist, and after that to have him tell about some men they had been wanting to know about, "and," said Bat, as he drew his gun and twirled it idly on his finger, "any son-of-a-sea-cook who undertakes to shoot out the lights while the 'professor' is speaking will get his."

The "professor" was perspiring freely as he rose to commence his lecture. It was reasonably clear to him that no matter what he might say he was liable to make a mistake that might be fatal. He dwelt as long as possible on his introduction, told the crowd what he knew, and considerable that he didn't know about the science of phrenology, until there were signs of uneasiness and one long-haired man arose to say that it was about time this guy was getting down to cases. He said so far as he knew there wasn't a man in the crowd who had ever seen this feller whose picture the "professor" was showin', with his head divided up and numbered with figures, and there was a lot of doubt about whether there was such a feller. What they wanted was to turn this "professor" loose on a man everybody knowed and see what he made out of him and they didn't propose to have any stalling or polly-foxing about it either.

Bat ordered the long-haired citizen to sit down until it was his turn to play and then announced that the "professor" was ready to examine the head of a well-known citizen. As a matter of fact the professor was not ready, but he did not dare to say so and indicated

that if any gentleman was willing to submit himself he would undertake to read his bumps. Immediately a well-known gunman, "Mysterious Dave," I think, stepped forward and took his seat on the platform. The professor had a hunch that his subject was a dangerous character and the perspiration increased.

"This gentleman," he commenced in a rather uncertain voice, "has large perceptive faculties."

"Cheese it, stranger," said Dave, as he rose from the chair and drew his gun. "I didn't come here to be insulted by no damn tenderfoot. I haven't none of them things you mention and never did."

At this Bat Masterson drew his gun and ordered Mysterious Dave to sit down and have his head felt, saying that the professor could say just what he pleased and if there was to be any gun play he, Bat, would take a hand.

Immediately the crowd began to take sides; part with the chairman and part with "Mysterious Dave." When a few words had passed, one of the supporters of the latter commenced to shoot. Masterson answered promptly with his gun and in an incredibly short time all the lights were shot out and the room was in darkness except for the flash of the guns. Bat Masterson managed to convey the information to the "professor" that there was a rear exit and he had perhaps better make his get-away while he, Bat, held back the crowd. The "professor" needed no second invitation. It was a moderately dark night, but he found the railroad track and headed eastward. He was a weary but withal thankful man when he reached the first station this side of Dodge and lay down under the lee of the friendly station house, to wait for the first train he could board that would carry him back toward civilization and safety.

The Pioneer Preacher

The other day in running over some old newspaper files I noted the assignment of Methodist preachers for the Larned district, back in 1879. Among the number was Rev. J. A. Mattern, assigned to Medicine Lodge. Mattern really started the Methodist church in Medicine Lodge. True, there were a few Methodists among the early settlers and occasionally a Methodist preacher would wander out that way and hold services in the old frontier schoolhouse, but to Mattern must be given the credit for building the first church and getting the flock together as a permanent congregation. Mattern was not gifted with eloquent diction nor was his mental equipment great. It may be said to his credit, however, that he did not pretend that he possessed either. He was just an humble laborer in the vineyard, ready to go anywhere he was sent and to perform without complaint any drudgery that might be imposed upon him.

His ambition was to build a church in the frontier town. There were not many Methodists there and what few there were, were not possessed of much wealth, but that fact did not discourage Mattern. He made arrangements with a man by the name of Hartzell to burn a kiln of brick to be used in making the walls of the church, and in the making of these brick he made a full hand and more. Day after day he shoveled the mud into the machine which ground the clay and moulded the brick, and then with an eager industry he helped to pile the moulded brick into the kiln. At night he helped to keep up the fires until at last the brick was burned. Then he toiled in loading the brick into wagons and hauling them to the site for the future meeting house. When it came to building the church Mattern was the most industrious and efficient man on

the job, so far as tending the masons was concerned. All day long he carried the hod with no thought of financial recompense and on Sunday conducted the regular services, morning and evening. His sermons were not models of either thought or diction, but the genuine earnestness and conscientiousness of the man won him many friends among the hardy men of the frontier. At last after months of the hardest kind of grueling toil the ambition of the humble preacher was realized. The church was completed and for the first time Medicine Lodge boasted of a house of worship—and the church was made of brick.

Rev. Bernard Kelly, better known as "Barney Kelly," came down from Wichita to conduct the dedication services and also to collect the money necessary to lift the debt incurred in erecting the building. At that time, forty years ago, Barney was in his prime, between forty and fifty years of age. He was as vigorous as a well-fed two-year-old colt and as full of sap as a sugar maple tree in the spring. As a collector of pledges at a dedication he had few equals and no superiors. He seemed to exercise a sort of hypnotic influence on men who were natural tightwads, and under the spell of his vigorous appeal they would obligate themselves to an extent which astonished their neighbors and which probably caused them some regret after they had come out from under the influence which induced them to make the promise.

On the day of the dedication the new church was crowded to the doors, and Reverend Barney was at his best. I think I never saw a man perspire so freely or with more effect. Those who are acquainted with this well known divine know that a distinguishing feature of his countenance is a nose of Grecian architecture and rather remarkable length. As he warmed to his work he left the pulpit proper and paced back

and forth just behind the altar rail. The perspiration trickled from the end of his olfactory organ like sugar water dripping from the spile in a fresh tapped maple tree and splashed on the heads of those who had been crowded into the front row. A baldheaded man or two who happened to be crowded up against the outer edge of the altar rail, protested mildly against the involuntary baptism, but for the most part the audience was so interested in the fervent appeal that they paid no attention to the gentle shower of perspiration and felt, no doubt, that they were simply sitting, as it were, under "the drippings of the sanctuary."

At that time I was young and single and not affiliated with the Methodist church or any other, but had been attracted to the service, perhaps largely through curiosity. Rev. Barney Kelly did not know me, but some one had pointed me out to him as the editor of the town paper. I had taken a seat pretty well back beside one of the young matrons of the town, who was accompanied by an active and interesting child about two years old. The baby thought I looked friendly and climbing up on my lap was busily engaged in examining my neck-tie of somewhat loud and inharmonious pattern.

Pledges were commencing to come thick and fast when it suddenly occurred to Elder Kelly that there was no secretary to make a record of them. Looking over the crowd, he said: "Here, we must have a secretary. I see brother McNeal, the young editor of your local paper, sitting back there. Here, brother McNeal, just put your child over on its mother's lap and come forward and take down these subscriptions."

In a frontier town and neighborhood everybody knows everybody else and all of them knew me. Instantly that house of worship was filled with unholy mirth, the loud and coarse laughter of the rude men

from the range, mingling with the shrill cachinations of the female part of the audience. Personally I did not join in the hilarity and neither did the mother of the baby, but we two formed the entire minority. Barney saw that he had made a mistake but was not dashed in the least, only remarking that if brother McNeal was not married he ought to be and then returned to the work in hand: "Who is the next brother who wants to have the privilege of subscribing $50?"

During the years which have come and gone since that day, the Rev. Barney Kelly has told this story frequently and with great enjoyment, but I have observed that in later years he is getting his dates mixed. The last time I heard him tell the story he said that on that occasion he met the town marshal, Jerry Simpson, who introduced himself and said: "I suppose you are brother Kelly who has come down to dedicate our church?"

Barney said that he was much impressed with the appearance of Jerry and told the Republican politicians when Jerry was nominated for Congress that he was a dangerous opponent and that unless they put up a great campaign he would be elected. The fact was, however, that Jerry did not come to the county for three years after the church was dedicated and was not appointed town marshal for ten years after the dedication, and furthermore Jerry was a well known heretic both in politics and religion who didn't care a hoot whether there was any church.

In reading over this story I observe that the Rev. Mr. Mattern seems to have sort of faded out of it, but that really was characteristic of the man. He was ready any time to efface himself, glad of the opportunity to be just an humble gleaner in the vineyard. I have often wondered what has become of him.

An Early-Day Murder and Man Hunt

In the spring of 1878, George W. Bowyer, a farmer and stockman, of Sumner County, accompanied by his wife, her sister, and a Texan who just then went by the name of Charlie Lee, started for Texas to buy a herd of cattle. At Coles City, Texas, Bowyer purchased 350 head of cattle and headed north for his Sumner County pasture with the party made up as it was when they left Kansas. Bowyer did not know that his herder was an ex-convict, who had served at least one term in the Texas penitentiary. If he had, he perhaps would not have employed him and he might have saved his own life. However, in those days it was not the custom to inquire closely into the past lives of men, especially when employing herders for the Texas trail.

Lee seems to have been a hardened criminal with no sense of shame. Mrs. Bowyer complained to her husband of Lee's conduct, especially as it related to the other woman. The only effect of this on Lee was to excite his enmity toward Mrs. Bowyer and elicit the threat that he intended to get even. He also confided to the other herder that when they reached a certain point in the territory, he, Lee, intended to kill Bowyer, take possession of the herd of cattle, drive them back to Texas, sell them, and appropriate the money. The threat was communicated to Bowyer, who, when they reached the place in the territory mentioned by Lee, faced the desperado and demanded that he disarm or leave camp. If Bowyer had been entirely conversant with the habits of desperadoes, he would not have made the demand except at the point of a gun. The lack of this precaution cost him his life. The ex-convict was a trifle quicker on the draw and a better shot than Bowyer, who fell dead in the arms

of his wife, a bullet through his brain. Not satisfied with this, Lee fired two more shots into the dead body.

Other campers located near by heard the shooting, came to the camp of the Bowyers, and helped the desolated wife to bury her dead by the side of the trail, while Lee, with almost incomparable insolence and bravado, took charge of the herd of the man he had murdered, in spite of the protests of the widow. Arriving at Pond Creek, Lee seems to have changed his mind, abandoned the herd and rode on to Kansas, still brazenly indifferent about the crime he had committed until the news was conveyed to him that an impromptu vigilance committee of Bowyer's neighbors were preparing to hang him. Hearing this, Lee fled.

Then commenced one of the most prolonged and remarkable man hunts in the history of the frontier. Joe Thralls was then a young man of Herculean build, with a wide knowledge of the western country and of frontier character. He made no pretensions of being a great detective, and was not given to spectacular methods, but he possessed what is known as bulldog tenacity and courage. He set out with one purpose in mind and that was to find the desperado, Lee, and bring him to justice. Time and the difficulties in the way did not daunt or trouble him. It might be a year; it might be two before he would run the murderer to earth, but he had no doubt whatever that he would get him in the end.

For nine months the big, quiet young frontiersman kept on the trail of the murderer. He traced him through the Flint hills and nearly captured him in the neighborhood of Independence, but Lee managed to slip out of the trap and into the hills of southern Missouri. Thralls chased him out of there, back into Kansas; across the plains into Colorado; through the mountains and desert lands down into New Mexico;

across the border into old Mexico. Back the fugitive turned and again crossed the border, this time into Texas, with Thralls still following with dogged persistence. Sometimes for a little while he would lose the trail for a day or two, only to find it again and hunt the fugitive from one hiding-place to another. The Texan managed to reach the cattle camps of the Panhandle of Texas, then an ideal hiding-place for men of his stripe. In a cattle camp he supposed that he was securely hidden, but somehow the young deputy marshal located him. It meant a ride of hundreds of miles through an almost trackless wilderness and alone. It was a journey beset with danger, but there was no hesitation. There was a certain fascination in the business of keeping order along the border. It was a life crowded full of adventure and danger. The man hunter never knew what odds he might have to meet or at what moment he might be looking in the muzzle of a gun held by some one of the men he was hunting; men who had no regard for human life, who would kill him with as little compunction as they would kill a dog. Men of the type of Thralls, however, did not hesitate on account of the hardships or dangers. They seemed rather to welcome them. The life would have been perhaps unbearably lonesome if it had not been full of danger. I suppose it was this feeling that impelled Joe Thralls to ride thousands of miles through almost trackless mountains and over burning deserts on the trail of a man who he knew would kill him without hesitation or warning if he believed he could do it and escape.

Just how Joe Thralls escaped he does not know, but somehow he did and just ten months after the Sumner County ranchman, Bowyer, had fallen dead in the arms of his wife, the big deputy marshal walked into a cow camp near the Panhandle border, covered Lee

with his gun, quietly told him he was his prisoner, put the irons upon him, and started back on the long ride to Sumner County, Kansas. Lee was sent to Fort Smith for trial and managed somehow to get off with a sentence of ten years for second degree murder. In the course of three or four years he was pardoned out. Of his further history I have no record. He probably either managed to break into some other penitentiary or get himself killed in some frontier brawl.

There was a curious aftermath of this tragedy of the trail. The body of Bowyer was buried temporarily on the north bank of the Red River. Several months afterward his widow made arrangements to have the body taken up and moved to the home burying ground in Sumner County. When the body was exhumed it was found, to the astonishment of those who dug it up, to be in an almost complete state of petrifaction and weighed about seven hundred pounds.

A Partisan Tombstone

In these days when party ties are so loosened that it is next to impossible to find a man who does not scratch his ticket, it is hard to realize the rigid partisanship of only a third of a century ago. In those old days, the man who scratched his ticket was regarded as a political heretic and traitor to his party. All the party bosses had to do was to see that the ticket was fixed up to their liking and the rank and file could be depended upon to vote it straight.

Among the hardy and estimable men who settled in Barber County on the edge of Harper County back in the late seventies or early eighties were Nathaniel Grigsby and his son, Elias Grigsby. The names indicate the Puritan strain in the Grigsby blood. If they

had lived in the days of Cromwell they would have been followers of that remarkable man, who organized an army of religious fanatics, the most dauntless fighters who ever followed a leader in battle. Born in 1811, when the Civil War broke out Nathaniel Grigsby, although even then well beyond the military age, promptly joined the colors and together with his son or sons, fought through the war, rising to the rank of second lieutenant. Nathaniel Grigsby was a man of positive convictions, religiously and politically.

He was a Republican without variableness or shadow of turning. To his mind, politically speaking, the Republican party was *summum bonum*, while the Democratic party was *malum in se*. Whatever there was of good in the political acts of the past third of a century, he attributed to the Republican party, and whatever there was of evil to the malign influence of the Democratic organization. With most men political activity stops with the grave, but old Nathaniel Grigsby, as the weight of years bowed his back and the frosts of time silvered his hair, knowing that his years were nearly numbered, devised a plan by which his political opinions might be transmitted to coming generations, carved in imperishable granite, to be read long after his mortal body had returned to the earth from which it came and his spirit had joined the immortals. He carefully prepared the inscription for his tombstone and exacted the promise that it should be graven on the shaft which marked his grave.

In the quiet graveyard near the little town of Attica lies the body of Nathaniel Grigsby and on the headstone the curious observer may read these words:

"N. Grigsby, 2d Liu't Co. G, 10th Indiana Volunteers. Died April 16, 1890. Age 78 years, 6 months and 5 days."

"Through this inscription I wish to enter my dying protest against what is called the Democratic party. I have watched it closely since the days of Jackson and

know that all the misfortunes of our nation have come to it through this so-called party of treason."

Below this inscription is added a postscript which says, "This inscription is placed here by the request of the deceased."

Hardly had the clods fallen on the coffin of old Nathaniel Grigsby before the state of Kansas was shaken by a political upheaval which for the time being destroyed the Democratic party in the state as an organization and reduced the Republican party to a minority in Kansas, the stronghold of its power. If the disembodied spirit of the old veteran was able to view the things of earth from another world he must have viewed with astonishment the political revolution which swept over the state of his adoption and observed the strange political bedfellows resulting. Had he lived a quarter of a century longer he would have witnessed the passing of the old political order, the loosening of party bonds, and the framing of party platforms so nearly alike in all essentials that with the changing of heads and a few stock phrases, one might have been substituted for the other and each supported with equal enthusiasm. Perhaps the old soldier would have changed with the times, and if so a different inscription would have been carved upon his granite monument.

As it is, I doubt that a search of all the graveyards from Maine to California would reveal so unique and peculiar an epitaph.

The Gambler Who Tempted Fate

There are still old-timers living who remember Bob Louden, the gambler, who operated in most of the frontier towns back in the early seventies. They speak of him as a king among his class. Handsome, mag-

nificently proportioned, reckless, and vain, he was the sort of man who appealed to women of sentimental turn of mind: the kind of man for whom some foolish girl would sacrifice her honor and endure abuse in order that she might enjoy his capricious and temporary favor. The gambler of the Bob Louden type was never constant in his attachments. His liaisons were prompted by passion and caprice and when another woman attracted his attention and suited his fancy, he cast off the former companion with no more compunction than he would have in discarding a worn out garment.

With the women of his class it was often different. Very often one of them would shower upon the reckless and dissolute companion a love and devotion which were tragic and pitiful. She would endure for him all kinds of abuse; slave for him, turn over to him the revenues of her sin and only ask in return the poor privilege of basking in his smiles and his occasional companionship. Sometimes, however, the gambler presumed too much on his power over the woman and her dog-like devotion. When she became convinced that he had cast her off, she was likely to become filled with a fierce jealousy that would stop at no crime in order to satisfy her desire for vengeance.

According to the opinions of those who knew her, one of the most striking appearing women of the under world in the city of Cincinnati during the year 1870 or 1871 was one known by the name of Carrie Baxter. Quite likely that was not her real name, but it was the one by which she was known. Tall, voluptuous and dowered with almost classic features, she walked a queen among the women of her class. Bob Louden, the gambler, was attracted by her beauty, her tigerish grace, and her ability. She was equally attracted by him. Together they journeyed to the new city of Omaha,

where Bob plied his trade in the frontier gambling places and his companion became the most skillful shoplifter who had ever operated in the then frontier, now the great middle West.

What caused the break between them is not known, or at any rate was not generally told. Perhaps he grew tired of her as he had grown tired of many others. Possibly there came to her mind the possibility of reformation and restoration to a place in society such as her natural ability and beauty fitted her to fill. At any rate they separated. She went to Denver, where she got a place as saleswoman in a dry goods store and afterward became a delivery clerk in the postoffice.

The monotony, however, palled on her. She began to long for the bright lights and excitement of the old life she had forsaken, and quit her job, but not to become merely an inmate of some gilded palace of sin. Her idea was to lead a more profitable and independent career as a confidence woman, setting her net to catch the foolish fish among the human kind.

How she happened to land in Hays City, I do not know, perhaps because at that time it was the location of one of the important army posts and because for one reason and another there had been attracted there a good many men in search of adventure, some of them reckless, degenerate sons of rich sires, some merely young fools who had money but were lacking in brains and judgment.

The ex-shoplifter and once leader of the Cincinnati demimonde played her part well. She was no common street walker painted and bedizened, parading her charms and soliciting patronage from the passing stranger. She was, on the contrary, a woman of striking appearance who carried herself with reserve and dignity and in that frontier town where no inquiries

were made concerning past records or antecedents, she seems to have been admitted into the best society.

The hotel proprietor gave a ball, to which were invited the élite of the town: the officers from the military post, dressed in the ornate, striking uniforms worn by army officers of that time; the rich adventurers, some of them the sons of titled Englishmen; and the rest of the upper crust of frontier society. To this ball was also invited the ex-shoplifter and former leader of the underworld of Cincinnati. Sailing under another name, regal in her grace and animal beauty, she was the most striking figure among the company gathered in the parlors of the frontier hostelry.

Social lines were not closely drawn and there was no surprise manifested because some well known gamblers were also among the guests. Of these no one was more striking than the tall, handsome gambler, Bob Louden. His former paramour, it seemed, had not known that he was in Hays City; possibly he did not know until he came to the ball that she was there. If he had been wise enough to make no demonstration, there would have been no tragedy, but he had been imbibing rather freely for him, not an altogether common thing, for like most professional gamblers he did not usually drink to excess. He may also have concluded that it would be a satisfaction to humiliate publicly this woman who had been his one-time partner in crime and also his willing slave. He sought her out. Her face paled, but she did not quail, for she was a creature of magnificent control. Then Bob Louden made the fatal mistake of flouting her in public and with insulting language calling attention to her former relations and her shame. Suddenly her hand slipped into the pocket of her dress, where she carried a small derringer. There was a blinding flash, a loud report, and Bob Louden, the gambler, fell dead with a bullet

through his heart. There was a trial of some kind at which the woman was promptly acquitted, for according to the code of the border, she was justified. According to border justice the gambler had brought this on himself and had to take the consequence. He had no business to interrupt the festivities of the occasion by calling up old relationships and insulting the woman who, to say the least, was no worse than he. So they buried Bob Louden and let the woman go.

It was perhaps a year after the trial that two men were standing on one of the streets of Atchison when a tall, well-groomed woman passed them. "What a striking looking woman," exclaimed one of the men. "By —— she looks like a goddess and moves like a queen."

"I might also add," said the other man dryly, "that she shoots as straight as she stands. That is the woman who put a bullet through the heart of Bob Louden, the gambler and gunman, at the Hays City society ball."

Pete and Ben

The business of the cattle ranges developed a class of nomads, carefree, reckless, taking little or no thought for the morrow. The range had certain unwritten rules of hospitality that made it permissible for an entire stranger to stop at any cattle camp at mealtime, unsaddle his horse and either "hobble" it or "lariat" it on the prairie or even give it a feed of corn if it needed it, and then, without question or objection, "sit in" and help himself to "grub." All the nomad needed in way of an outfit was a horse, saddle and saddle blankets, a bridle, quirt and lariat rope. Money was not necessary, as he did not expect to pay for what he got in the way of food or lodging, but if he

wanted a job he could generally get it as a line rider.

Typical of this class were two brothers, Pete and Ben Lampton. Sometimes they worked; generally they did not, but there was never any indication of worry over their financial condition. Pete, the elder, was a companionable sort of hobo, a most cheerful liar, never at a loss for conversation, void of conscience as a coyote, and with the gall of a lightning-rod peddler. Ben was of duller mentality, and followed the plans originated by Pete instead of doing his own thinking. In 1874 there was an Indian scare along the border. There generally was, for that matter. In fact, the cattle men saw to it that if there were no genuine Indian scare, one was manufactured, in order to discourage the immigration of grangers to spoil the free range.

In 1874 there seemed to be some actual danger of an outbreak and a militia company was organized at Medicine Lodge to protect the border. It was a company of mounted scouts, each one of whom was supposed to furnish his own horse and bedding, the state furnishing the arms and food, with an understanding that the members of the company would be compensated for outfits furnished. Among those who joined was Pete Lampton; not that he was concerned about protecting the border, but it meant free grub for a time and possibly some adventure.

At the time the company was organized, the days were reasonably warm, but the nights were often uncomfortably cool. Another member of the company was one M. Palmer, who resided near the head waters of Bitter Creek and who had been a soldier in the Civil War. Palmer was not abundantly supplied with bedding and when it came time to camp for the night, he called out, asking who wanted to bunk with him. "I am your huckleberry," answered Pete Lampton.

Palmer spread down such bedding as he had while Pete stood by, a rather indifferent onlooker. "Well," said Palmer, "where are your blankets?"

"Blankets?" said Pete; "I haven't any blankets. If I had blankets of my own, why the hell do you suppose I would want to sleep with you?"

Once when the Lampton brothers happened to have cash and were camping in the grove at the edge of town, Pete bought a dozen eggs at the store kept by one D. E. Sheldon, for twenty-five cents. In the course of an hour or two he came back and gravely handed Sheldon $2.25. Asked for an explanation, he said, "all them eggs had chickens in 'em and my understanding is that spring chickens are worth $2.50 a dozen. I ain't aimin' to take no advantage of you, Sheldon, and here is the chicken price."

A Fake Election

THE inhabitants of a frontier town 100 miles removed from a railroad, were necessarily deprived of the ordinary opportunities for entertainment and as a result compelled to rely on their own resources. This developed an originality that I have never seen equaled in any old settled community. The individual who proposed some new practical joke always found an abundance of enthusiastic assistants to carry it into effect and if the joke panned out as anticipated, the originator was regarded as a public benefactor.

Among the earliest settlers in the Elm Creek valley was Jacob Frazier, a Missourian by birth, who for some inscrutable reason had been induced to migrate from the land of his nativity, to the then almost uninhabited frontier. Jake was possessed neither of any "book larning," nor of a capacity to have acquired any considerable amount if he had had the opportunity. Politically he was a Democrat, without variableness or shadow of turning, and did not believe in mixing either his whisky or his politics. True, Jake did not manifest much interest in politics except to vote on election day. He did not trouble himself about political issues, in fact would not have recognized a political issue if he had met it in the middle of the road; all he asked was to be handed a Democratic ballot and the privilege of depositing it in the box.

It was when St. John was still the leader of the Republican political machine in Kansas, the valiant and most noted apostle of the then new doctrine of constitutional prohibition, that Jake Frazier for some reason failed for once to get to the election and cast his vote. This omission was the more remarkable because for once Jake had more than a mere inherited interest in the election. The Democratic party was opposed to prohibition and that stand met with his entire and enthusiastic approval. The attempt of St. John and the Republican party to deprive a man of his "licker," he regarded as a most diabolical attack on his inalienable rights, and the mere mention of it caused him to fairly boil with indignation, the boiling being materially hastened by several drinks. But for some reason on that fall day Jake failed to appear and cast his vote. The following day he came to town and, being asked why he had failed to come and vote, expressed his regret earnestly and profanely, "Specially as he wanted to vote agin this here damn prohibitioner law."

"Well, it was too bad," said his interviewer, "that you couldn't get in yesterday, but it's all right anyway, as we are going to have another election to-day and you can vote just the same."

Jake was surprised but delighted, and wanted to know where the election was being held. He was directed to the livery stable, where he found what they told him was the election board and a couple of clerks, also a cigar box to receive the ballots. A number of citizens came in and deposited their ballots, several of them being challenged on one ground and another, which challenges caused considerable bickering and threats of violence on the part of the challenged. Jake wanted to know where he could get a Democratic ballot and was furnished with an unused ballot of the

previous day; that was before the day of the Australian ballot.

He came up and offered his vote to one of the judges, a man whom he had known for years, and was surprised to be asked to state his name, age, where he was born, what was his wife's name, age, and color of her hair; if his mother-in-law was still living and if so where and why; if he kept any dogs and what church if any he belonged to. As the questions were asked with the greatest gravity Jake's indignation grew in volume. He called the attention of the election judge to the fact that he had been personally acquainted with him for years and knew all about him "without askin' all these damn fool questions."

Finally the election judges seemed to be satisfied in regard to his qualifications and were about to receive his ballot when one of the framers of the play stepped up and declared that he challenged the vote. "On what ground?" asked the judge sternly. "On the ground that he is an alien. He confesses that he was born in Missouri and hasn't shown any naturalization papers." The judges gravely consulted together for a few moments and then the spokesman asked, "Mr. Frazier, have you any naturalization papers?"

"Naturalization papers?" yelled Jake. "What's them? Never heerd of such a thing. I kin prove that I was borned in Pike County, Missouri, but I hain't got no papers to prove it here. But you know well enough that I hev been votin' for more than forty years and you've seen me vote more times than you hev fingers and toes."

"Can't help what you have done in the past, Mr. Frazier," said the relentless election judge, "law is law. The law is plain that a Missourian must be naturalized before he can vote in Kansas."

The old man went away crying with rage and mor-

tification. He met an old acquaintance and said: "What do you think them damn prohibitioner Republicans did?" The friend didn't know. "Well, sir, they channeled my vote, that's what they did, yes, sir, stood right there and channeled my vote because they said I was ailin' and must have naturalization papers because I was born in Missouri. I've been votin' the Democratic ticket for more than forty years and this is the first time my vote was ever channeled."

The hearer expressed deep sympathy and indignation; said that it was an infernal plot to cheat him out of his political rights and that he didn't propose to stand for it. He would see whether an old citizen like Jake Frazier could be cheated out of his rights that way. Then the indignant defender of political rights proceeded to organize a mob. He gathered followers fast. Some were armed, some were not, but all expressed themselves as determined to avenge the wrong done an old citizen, just because he was a Democrat and an anti-prohibitionist.

The mob selected a spokesman who, at the head of the eager throng, went to the livery stable and demanded the reason for refusing the vote of an old and well known resident. The election judges protested that they had no feeling against Frazier, but according to his own statement he was born in Missouri and could not show that he had ever been naturalized. The champion of Frazier furiously denounced this decision and calling on a lawyer, who was with the party, had him cite decisions of the supreme court holding that Congress by an enabling act had naturalized all Missourians who had taken up their residence in other states. After a long and heated argument the judges declared that while they were not entirely satisfied, if Jake would swear in his vote his ballot would be received. A long and involved oath was then admin-

istered, the vote duly deposited, and Jake departed for home in triumph, declaring that no durned prohibitioner Republican could channel his vote and get away with it.

In such manner was the tedium of life on the border relieved and the joy of life enhanced.

When an Indian Agency Came Near Being Wiped Out

The fall of the year 1880 was as mild and beautiful as Kansas falls generally are. There was a wonderful fascination in the wide open spaces of the range country, and as a couple of Medicine Lodge ranchmen were going down into the Canadian country to hunt for horses I accepted an invitation to ride with them. I have said that there was a wonderful fascination in the wide open spaces, and there was, but when a man who is soft and unaccustomed to riding sits twelve hours in a saddle on the back of a horse, trotting most of the time, the novelty and charm mostly wear off, also the rider has a disinclination to sit down for several days afterward. But once started on a ride of that kind, there was no rest for the tenderfoot. After that twelve-hour ride and a few hours' rest on the buffalo grass we were up at daylight for another day's ride, and continued for a week. Our objective was Darlington, where the Indian agency was located and from there we followed up the North Canadian to Camp Supply. It is possible that, if we had known what was going on at the agency, the horse hunt might have been postponed and this story would never have been written.

During the administration of General Grant as president, he conceived the idea of putting the Indian agencies in charge of the Quakers, actuated no doubt by

the story of William Penn and his dealings with the red men. President Hayes continued the policy of Grant to a considerable extent and that accounted for the fact that Miles was in charge of the agency at Darlington in the fall of 1880. At that time this agency had charge of the Cheyennes who had been moved down from their northern home, the Arapahoes, and some of the Kiowas. Three years before a dissatisfied band of the Cheyennes under the leadership of Chief Dull Knife, had left the reservation and, traveling northward through Kansas, had left a trail marked by burnings and massacre. Dull Knife and most of his followers had been captured, but there was still a dissatisfied element among the Cheyennes, who wanted to start on another raid toward the old hunting grounds.

It was the custom in those days to distribute the government allowance of beeves to the Indians on a certain day of the week, Monday, as I recall. The Indians were divided into bands and to each band was allotted so many beeves. The beeves were turned out on the prairie and the Indians ran them down and killed them Indian fashion and carried the meat to their camps. Agent Miles had made an order that each band must send its representatives and get its beef allotment on the regular issue day, or, failing to do that, the band would get no beef that week. Some two weeks before we arrived at Darlington some of the bands had failed to send their representatives on the regular issue day and when they appeared the next day and wanted their allotment of beef Agent Miles refused to give it to them. They left the agency sullen and vengeful. Agent Miles had at the time a fine driving team and buggy and it was his custom, in the beautiful evenings of the early fall, to drive out along the government road that ran along beside the Canadian River. That

evening he drove out as usual, accompanied by his wife. When four or five miles from the agency two young Indian bucks stepped out into the road, stopped him, and told him that unless he changed his order about the beef issue they would kill him. As there was little doubt they would have put the threat into execution, there was nothing for the agent to do but yield. The next day the bands which had been refused their allotment came in and got it, but the day following Miles sent a number of his Indian police out to arrest the leaders of these recalcitrant bands and bring them to the agency. The young warriors stood off the police and refused to be arrested, but told the police to tell the agent they would be at the agency the following day.

The following day they came all right, but they came six hundred strong, all armed with Winchesters which had been furnished by the Government. They were nearly all young men, the flower of the Cheyenne tribe, as fearless and desperate fighters as there were among the tribes of the plains. It was their intention to clean up the agency and massacre the agent and all the other whites who were there. They dragged Miles out of the agency building and probably would have started the killing if it had not been for the coolness and courage of an Indian chief. Little Chief had himself been at one time known as a "bad Indian." He was one of the Indians sent by the Government to the Dry Tortugas, where he had been kept for several years. The experience had completely cured him of any desire to make war on the whites and from the time he was returned to the reservation, he was a consistent advocate of peace with the white man and the education and industrial development of his people. He finally was converted to Christianity, joined the Presbyterian Church, and became a ruling elder in that

denomination. At the time on that fall day when a massacre seemed certain, Little Chief pushed his way into the crowd of infuriated warriors and began to talk to them.

"You can kill the agent and all the whites there are here," he said. "Maybe you can kill all the soldiers there are at the fort over there." (There was a small garrison of about one company stationed at Fort Reno at the time.) "But that will do you no good. I have been across the white man's country and I know that the white men are as many as the leaves of the forest. You have a few guns; they have many thousand. If you kill the agent and these white men you will all be hung. You will not be shot as brave warriors are shot, but you will be hung like dogs. I, Little Chief, know this and you know that I have never told you lies."

Perhaps some of the more reckless and daring would have ignored the advice of Little Chief, but he had made an impression on the leaders and after all it was the mob-spirit that dominated. A mob will not act without leadership. The situation was saved and a bloody massacre was averted. Another man who probably also helped to avert the catastrophe was George Bent, the halfbreed son of the noted trader, who built Bent's fort on the upper Arkansas in Colorado. There was not much to be said for Bent, if reports were true, but on that day he stood against the Indians, who were bent on murder, and he had considerable influence with them.

It was about a week after this near massacre when we rode up the valley of the Canadian, accompanied by the celebrated scout, Jack Stillwell, who when a boy of sixteen had undertaken the desperate enterprise of crawling through the camp of armed warriors led by Roman Nose and getting aid for Forsythe and his little band of scouts and soldiers surrounded on Beecher's

Island and threatened with annihilation. As he rode with us in those warm September days, Jack Stillwell was a fine specimen of physical manhood and about the most interesting traveling companion I ever knew. Almost all his life had been spent among the various wild Indian tribes. He knew their sign language and could understand them and make himself understood with ease. There was none of the braggart or swaggering "bad man" in his manner or speech, but he had a rich fund of experience which held and interested me as nothing else had done since I stole away to read the blood-curdling tales narrated in Beedle's dime novels. It was a good many years afterward before I saw him again. By that time he had become fat and short of breath and looked little like the trim, hard-muscled, and handsome scout that he was in the fall of 1880. He was elected as the first police judge of the new town of El Reno and made a reputation as a fearless official who insisted that laws should be obeyed and order maintained.

The Justice of the Border

The first bank in Medicine Lodge was established by a man by the name of Hickman. The story was that he purchased a safe on time and borrowed money, giving the safe as security, to get his banking capital. Even on that narrow foundation the bank gathered up a good deal of business and might have succeeded if the proprietor had not branched out and undertaken to carry too great a load. As it was the Hickman bank failed, to the sorrow of some of the trusting depositors, for that was in the days before guaranteed deposit laws were thought of or there was any state supervision of banks. After the failure of the Hick-

man bank the Medicine Valley bank was organized, with Wylie Payne as president, and George Geppert as cashier.

Payne was also president of the great Comanche cattle pool which ranged its herds over full 1,200 square miles, all inclosed with barb wire fence, an appropriation of public land, of course, without any warrant of law. Wylie Payne was a striking character. Born in poverty, he had won his way to what was then considered wealth. His brand was on 3,000 head of cattle, range count, worth then $100,000. A man of keen eye, square jaw, and indomitable energy, he was a dominant figure in any organization with which he was affiliated. He was a hard rider, hard swearer, not hot tempered, but a fearless fighter when the occasion seemed to require it. He was a man who neither sought nor avoided quarrels, but would rather fight than yield when his will was opposed. There were men on the range who disliked him, but none who questioned his integrity or his courage. So it was that Wylie Payne was a tower of strength to the new bank, which shortly numbered its patrons and depositors from the Panhandle of Texas to the Arkansas and from the Medicine River to the Colorado line.

On a morning in early May in 1883, a half hundred cowmen waited impatiently in the livery barn in Medicine Lodge, their horses saddled ready for the "round up" which had been called that day to take place on Antelope Flat. A steady drizzling rain was falling from the clouds which hung low and heavy over the valley of the Medicine. The rough weather-beaten men were waiting for the "clearing up" and that was the reason why their horses were still saddled in the barn at nine o'clock that morning when the Medicine Valley bank opened. They were so busy watching the weather that they did not notice four men ride in

from the west and dismount beside the bank. The leader of the four was Henry Brown, a lean, sinewy man, with thin, cruel lips, and cold gray eyes, to which mercy was a stranger. At one time he had been a member of the gang led by that human tiger, that white Apache, Billie the Kid, who before he had reached his majority was credited with twenty cold-blooded murders and who slew more from an inhuman lust for blood than for the gain that might come from his robberies. When the Kid was slain and his gang broken up, Henry Brown drifted eastward.

Caldwell was then a wild cattle town, which had been the scene of numerous killings. The mayor and the city marshal had both been shot dead on the principal street of the town and drunken cowboys rode boastfully into the business houses, to the serious detriment of the furniture and interruption of business. The "killers" seemed to have the city fathers "buffaloed" and the demand was insistent that a police force be organized that would give reasonable protection to citizens. Somehow the word had come to Caldwell that Henry Brown was the man for the job of city marshal and he was hired. It is fair to say that he did restore order. An expert with the revolver, his favorite weapon was a sawed-off Winchester. Some men from the range undertook to shoot up the town. Brown killed them as coolly and with as little compunction as he would have shot a stray dog.

It was not to be supposed, however, that a man of the character and temperament of Henry Brown would be content to remain as city marshal of a town like Caldwell. He had heard that the Medicine Valley bank was bulging with money and he organized for a raid. With him was his assistant city marshal, big Ben Wheeler, a giant in stature with a weak and sensual face, not a leader but a fitting follower of a

man like Henry Brown. The other two were Billie Smith and John Wesley from the T-5 range, on the Eagle Chief. Brown, Wheeler, and Wesley entered the bank while Billie Smith was left outside to hold the horses. Wheeler faced the cashier's window with drawn revolver, Wesley stepped in front of the little window at the side of the president's desk, while Brown stepped back into the president's room to cover the assistant cashier and guard the door of the bank from outside interference. With the command of "Hands up!" the cashier promptly put up his hands, but Wylie Payne had never put up his hands at the command of any man. It was instinctive with him to fight. He reached forward to get his revolver, which lay in the open drawer of his desk. Just then two heavy revolvers barked in unison. With a groan the cashier staggered back shot through the heart and Payne dropped from his chair shot through the spine.

A revolver fired with intent to kill seems to have a different sound than when fired in sport. When the sound of shots in the bank rang out, the inhabitants of the little cattle town seemed to know instinctively that murder was being done. The little red-headed city marshal, who had never had his baptism of fire, ran up the street with gun in hand and promptly engaged in a duel with Smith, who was holding the horses. Unfortunately his courage was better than his aim, and Smith was unharmed. On the other hand, Smith's aim was diverted by the plunging of the horses, to which fact the red-headed city marshal probably owed his life. Wheeler, always a coward at heart, heard the shooting outside and panic stricken, dropped his gun and the sack he had brought with which to carry away the currency and coin, and dashed out of the bank. Brown and Wesley followed and all four mounted their horses and dashed out of town, with half a hundred mounted men in hot pursuit.

To the southwest of Medicine Lodge is a range of low lying hills. In the prehistoric past the erosion of waters had worn great pockets in the sides of these hills as if scooped out by a titanic shovel. It was toward these hills that Brown and his companions turned desperately for safety and, perhaps two miles from town, rode into one of these pockets in the hills. The rain was falling steadily, and dripping over the canyon's side when the robbers took refuge. The water was cold and rose steadily until it reached almost to the knees of the desperate men and their horses. It took the courage out of them and after a few hours Henry Brown appeared at the mouth of the canyon with a handkerchief tied on the end of his gun barrel as a token of surrender. The sun was sliding down the western sky when the four men, two of them shackled together with the single pair of shackles possessed by the sheriff and the other two handcuffed with his only pair of handcuffs, were placed in the little cottonwood shanty which passed as a jail. That afternoon and evening knots of excited men could be seen talking together, not loudly, but with a quietness that made the conversations the more ominous.

"We will give you $1,000 if you will save our lives till daylight," said Henry Brown to the county attorney who had gone to the jail to get the statements of the men.

"It is my duty to protect you from mob violence if I can," replied the county attorney, "but it is not in my power to save your lives till morning. You had better make whatever preparations you can for death."

And then the men facing their doom told this remarkable story to the county attorney. They said that the bank robbery was a frame-up to save the cashier, who was short $10,000; that Wylie Payne was not expected to be in town as he had arranged to ship some beef cattle on that day; that when they found him

in the bank they concluded that they had been double crossed and when Payne reached for his gun Wesley shot him and then Wheeler had shot the cashier. That evening Payne died in great agony, game to the last and apparently only concerned because his act of going for his gun had caused the death of the cashier.

When the word spread abroad that Payne was dead, the excitement became more intense. A man who had been in California in the days of the Vigilantes and had some experience in the tying of the hangman's noose, was practicing on some pliable ropes. At about ten o'clock the crowd moved silently through the darkness toward the wooden jail. They were met by the sheriff and his deputies with the question what was wanted. "The four men inside" was the terse reply. Then there was a brief fusillade participated in by the sheriff and his deputies and the men in the crowd, but the observer might have noticed that the flashes from the guns were upward and not horizontal. The sheriff and his deputies were overcome and two brawny rangemen threw their shoulders against the jail door and burst it inward.

There was a surprise for the crowd. The men had somehow gotten rid of the handcuffs and shackles and burst out into the crowd. Henry Brown, lean and lithe as a panther, slipped through the hands that grabbed at him and started to run down the hill. A quiet farmer standing at the corner with a sawed-off shotgun loaded with buckshot, emptied both barrels into Brown as he passed him and the leader of the four with a groan fell dead. Wheeler, severely wounded with an arm dangling by his side, ran with the fleetness inspired by deadly fear, but was captured within 300 yards. Smith and Wesley were captured within a few feet of the jail door.

Down in the bottom near the town grew an elm with

a long strong limb branching out from the trunk perhaps fifteen feet from the ground, and under this the three were ranged.

"Is there any statement any of you gents would like to make before you swing?" asked the leader of the mob.

Wheeler, his great bulk shaking with mortal fear, his face wet with cold sweat, a coward at heart, begged piteously for his life: "Oh, men," he moaned, "spare my life. There's other fellers mixed up in this and I will tell everything if you will only spare my life."

Wesley managed to whisper that he had a mother in Texas and not to let her know. Smith, who had done none of the killing, was the only one to show nerve. "What's the use?" he said sullenly but firmly. "You intend to hang us anyway, so pull when you are ready."

"Pull, boys," quietly directed the leader. There was the rasping sound of the ropes drawn across the rough bark of the limb. There was the spasmodic twitching of the limbs of the doomed men, and three bodies swayed slightly in the night wind.

Perhaps there never was a more orderly lynching. The next morning the coroner, determined that no forms of the law should be overlooked, summoned a jury who solemnly viewed the remains and rendered a verdict that they had come to their death at the hands of persons unknown to the jury. The bodies were buried in the little frontier graveyard. I have been told that all of them were dug up and no doubt for many years the skeletons have been used for demonstration purposes by classes in anatomy.

The Great Winter Kill

The winter of 1885-86 brought ruin to the greater part of the men who depended on free range in west

and southwest Kansas, eastern Colorado, the Cherokee strip, western Indian territory and the Panhandle of Texas. Up till then there had been no great winter kill; the price of cattle had steadily risen and the profits had been exceedingly satisfactory. The result had been to crowd more and more cattle on the range, so that there was an increasing shortage of winter pasture. In the early days of the range it was customary for the owner to keep his herds on a part of the range during the summer and early fall months and leave part of the range to grow up to buffalo and other native grasses. On a good winter range the buffalo grass, unpastured during the summer, would grow up several inches in height and bearing a generous crop of seed. Unless there were unusual fall rains this grass would cure like perfect hay, but there was always a bit of green near the root of the grass. It made a perfect balanced ration and cattle turned in on this winter pasture would actually fatten during the winter months. But as the number of cattle increased they encroached more and more on the winter range until there was practically none left and cattle were forced to winter on the same range over which they had grazed during the summer and fall.

The weather remained fine during the fall of 1885. The range was crowded, but cattle men were hoping that there might be an open winter. During the last days of December or possibly the early days of January there came a sudden change. A cold rain turned to sleet until the ground was covered with ice, and over this fell a sheet of snow. The weather turned bitterly cold. There was no available food for the poor brutes that wandered over the range, for in those days the oil cake which has since then saved the lives of hundreds of thousands of range cattle had not been invented.

Generally in southwest Kansas severe cold weather

did not last more than a few days, but that winter there was no respite. Days grew into weeks with the coat of ice and snow unmelted. At first the weaker cattle succumbed; the stronger wandered restlessly and ceaselessly hunting for food that could not be found; staggering with increasing weakness, crazed with hunger, emaciated to an almost unbelievable degree, the poor creatures wandered on until they could endure no longer. The A. T. & S. F. fenced its right-of-way through western Kansas. The herds to the north drifted south before the wind until they reached this wire fence and there they left their carcasses, already so poor in flesh as hardly to tempt the coyotes although they, too, were on the verge of starvation.

It is no exaggeration to say that it would have been possible during the early summer of 1886 to walk from Kingsley to the Colorado line along the right-of-way of the A. T. & S. F. without touching foot to the ground. Every step would have been taken on the dead carcasses of cattle. Fully eighty per cent of all the cattle in Barber and other southwest Kansas counties, the western part of what was then the Cherokee strip, and Indian territory and the Panhandle of Texas, died during that terrible winter and what were left alive were so enfeebled that they never recovered and might almost as well have died.

In the town of Medicine Lodge was a Jew by the name of Simon Lebrecht, who bought hides, and during the summer of 1886 reaped a rich harvest. Some idea of the tremendous loss may be obtained when I say that this one Hebrew hide buyer bought forty thousand hides during that spring and summer. Of course there were other hide buyers in all the other towns and it is safe to say that not more than one animal out of three was ever skinned.

As a sample of the losses I might mention that of

Captain Perry Ewing and Hon. Tom Potter, of Peabody, who during the fall of 1885 had driven up from Texas a herd of some 3,300 young steers, and turned them on the range on Driftwood, in the neighborhood where the flourishing town of Alva is now located. The following spring they rounded up eighty enfeebled living skeletons. Captain Ewing had been a soldier in the Confederate army. After the war he gathered enough together to buy a small herd of cattle which he turned loose on the range in the Medicine valley. For years he had roughed it, his herd gradually increasing until it numbered several hundred head. These he had sold and put the entire proceeds into the Texas steers. The spring found him broke and compelled to make a new start in Arizona.

Some fine stock breeders happened in the border town of Caldwell and were talking of the prices they had paid for certain blooded animals. One of them had purchased a Shorthorn for which he had paid $5,000. Another had paid even a higher price for a Whiteface. Sitting nearby was a rough, weatherbeaten man, who listened for some time and finally said:

"Beggin' yo' pahdon, gentlemen, I must say, sah, that yo' are pikers, sah. Yo' talk about yo' Shortho'ns and Whitefaces that cost five and six thousand dollahs. If yo' gentlemen will walk down heah to the state line a half mile, I will show you an animal that cost me thirty thousand dollahs."

They were interested and declared that they would be glad to walk a half mile or more to see such a valuable animal. Without the shadow of a smile the man from the range led the way down to the wire fence on the border. On the other side of the fence stood a runty, narrow-hammed Texas steer that would weigh in flesh perhaps 1,000 pounds, but at that time would hardly have tipped the scales at 500. The fine stock

breeders looked disgusted, but the man from the range remarked with a weary sigh, "I paid $30,000, gentlemen, fo' a herd of cattle last yeah, and that is the herd."

Seldom, if ever, has there been a disaster so complete and overwhelming as that which overtook the men of the range during that fateful winter. They had been dubbed cattle barons and rather prided themselves on the appellation. They were generally hard riders and free spenders; ready to go on each others' paper for any amount and generally with no security except the personal honor of the men they favored. A brief six months saw many of them reduced from affluence to penury, but it must also be said that as a rule they were good losers. Without wasting time in useless lamentations, they started to hunt for new pastures and commenced another battle with nature and the elements to recoup their losses and build again their shattered fortunes.

The Organization of Wichita County

One day during his second term as governor, John A. Martin unbosomed himself to a reporter concerning a matter which was the greatest cause of worry that he had to encounter during his administration. It so happened that a great part of the counties in the western third of the state were organized during his two terms as governor, and in nearly every one there was strife and bloodshed connected with the location of the county seat. Governor Martin, himself a thoroughly honest man, was astonished and grieved to find that men in whose integrity he had had the fullest confidence, when once mixed up with a county-seat contest, seemed to forget about every moral principle and

lend themselves to almost every form of lawlessness and crime in order to win.

"What is the use of it all?" said the governor, sadly. "Finally the courts will settle the matter of which towns are entitled to the county seats, and all this violence and bloodshed will avail nothing."

As one travels over western Kansas now, or in the years that have passed since the fierce county-seat wars ended, if he is told the story of those bloody conflicts, he wonders what it was all about. There is nothing that he can see about one of these little prairie towns that would excite the cupidity of men, to say nothing of tempting them to engage in the bloody forays that marked the history of the frontier. One had to live in those times to have some adequate understanding of the situation. During the middle eighties a great tide of immigration swept over western Kansas. Within two years the population of the western third of Kansas increased a quarter of a million. The U. S. land offices were crowded almost day and night with applicants wishing to file on homesteads. Land office attorneys were swamped with business and making money far in excess of their fondest dreams of a year or two before. County-seat boomers figured that within a few months after becoming the seat of county government their town would rival in size and business the best county-seat towns in eastern Kansas or in the older states.

Suppose, then, that the county seat founders laid out the town on a section of land which at government price cost perhaps $800, and the cost of plotting it into streets, alleys, and lots. Counting eight lots to the acre, there would be 120 lots in the town site, and judging by the prices asked and received in prosperous county seat towns in the East, $100 per lot on the average would be a conservative estimate. That

would mean that the town site which perhaps cost the founders all told three or four thousand dollars, would sell within a few months for more than half a million. Was there ever a get-rich-quick scheme which equaled it on paper? In the days when the Belgian hare craze swept over the country, an expert in figures could estimate that from a single pair of rabbits their progeny would in ten or fifteen years mount away up into the millions and make the fortunate investor a multi-millionaire. But then there were some risks in the rabbit business and it would at best take several years to realize the fortune, but the founders of the county seat figured that once they had captured the prize of the county capital the rest was sure and easy. They would simply clean up at the ratio of more than a hundred to one within the brief space of six months or a year.

Of course they could not look into the future when drouth and hot winds would drive out the homesteaders, when all their hopes would fade and the towns would shrivel almost to nothing. Not sensing the future they fought ruthlessly and unscrupulously. They blackened their souls with crime and stained their hands with blood. The county of Wichita was organized in 1886 and almost immediately two towns became rivals for the county seat. Leoti was supposed to be located in the geographical center of the county and the rival town of Coronado was established three miles east of the center. The census enumerator was a Coronado man, but when his report was finally handed in to Governor Martin there seemed to be so much uncertainty about it that he decided to send a special commissioner out to get at the real sentiment of the citizens for the benefit of the governor. Samuel Gerow, of Atchison, was selected for that unpleasant job and apparently he performed his work honestly and fearlessly,

although at times threatened with bodily harm by the rival factions when one side or the other concluded that he was giving the other the better of the count.

The legislature of 1887 amended the law providing for the organization of counties and the location of county seats requiring a registration of the legal voters prior to the election. Under this new law the county seat election was called for March 10, 1887. If the framers of the law supposed that this would do away with county seat troubles they were mistaken. It merely shifted the contest from the final election to the registration and the conflict raged with as much bitterness as before.

In the case of Leoti and Coronado the culmination came on a bright, mild Sunday afternoon, February 27, 1887, when in the main street of Coronado was enacted one of the bloodiest tragedies in all the wild history of the border. Each town supported a newspaper, both, of course, intensely partisan, and no doubt unfair, so that it is hard to get the real truth of what happened on that fatal day. In examining the files of the rival newspapers I find the following account in the Coronado *Herald* of June 16, 1887:

"During the time one Gerow was taking the wishes of the voters of this county in regard to the temporary county seat, certain parties in Leoti sent to Wallace to secure the services of one Charles Coulter and his six-shooter, both too well known in western Kansas to the sorrow of many good people. Coulter came and for the promise of $750 undertook the job of making Leoti the county seat. His first appearance was at the polls north of Coronado with about 150 imported toughs to receive $4 per day. Coronado voters dared not go near the polls. Again on the day of registration he, with his companion, Rains, stood at the polls with guns and dictated who should register and who should not. Coronado men left the place of registration to avoid bloodshed. During the time they were at the polls the

unarmed Coronadoites were covered with rifles in the hands of Coulter's friends, stationed in the town of Leoti. Later that day Coulter and Rains held up two Coronado men with guns and killed a valuable horse belonging to them.

"Up to this time not a single Coronado man had exposed a weapon, or lost his temper. On Sunday morning, February 27, while the people of this town were at church, William Rains and A. R. Johnson came to Coronado from Leoti and asked a druggist here for a bottle of beer. They were informed that there was not any beer in town. Not seeing anybody on the street they remarked that 'it would be a good time to round up the d—n town.' They returned to Leoti and recruited their forces with Charles Coulter, Frank Jenness, A. N. Boorey, Emmet Denning, George Watkins, and a case of beer. When they arrived at Coronado they proceeded to make everybody they met drink with them and tried to make a sick man get out of bed and dance at the muzzles of pistols. Later Coulter commenced to knock men down with his pistol, while Frank Jenness would single out men to cover with his pistol. But such sport was too timid for drunken desperadoes, so Coulter opened the ball by shooting Charles Loomis twice, while Rains shot him (Loomis) in the arm. Up to this time not a single weapon was drawn by a Coronado man, but after these three shots were fired by Coulter and Rains, it seemed for thirty seconds from pistol reports, that every man in and near the crowd was shooting. When the smoke cleared away the old maxim was verified: 'Death loves a shining mark,' and in Coulter and Rains it certainly had struck two daisies."

An entirely different account is that published in the Leoti *Standard* the week following the tragedy. It runs as follows:

"On Sunday morning the town of Coronado was the scene of one of the most cowardly and dastardly crimes ever perpetrated in any community that had any pretense of being civilized, it being the shooting from the back of seven of our best and most respected citizens. The vic-

tims were Charles Coulter, instantly killed; Wm. Rains, instantly killed; George Watkins, fatally wounded; Frank Jenness, shot six times; A. R. Johnson, wounded three times; A. N. Boorey, shot three times; Emmet Denning, leg broken by shot.

"The bitter fight caused by the county seat fight, and the way Leoti has beaten her opponent by might of right, and right of might, is well known. Coronado had been satisfied until Sunday to carry on the fight by trickery, fraud, lies, and forgery, and in this way had managed to make the town and people despised by all who had the slightest insight into the matter. A note was placed in Mr. Coulter's hands on Sunday, inviting him over that afternoon and telling him to bring a friend or two with him and have a good time. It had been customary to visit back and forth, so in the afternoon the crowd of seven went over. They arrived there about two o'clock, and after a couple of hours of pleasant chatting with their friends and acquaintances, they all got in the buggy and started off. As they drove by the bank building Frank Lilly, standing in front of the bank, applied some foul name to Mr. Rains, at the same time making a motion as if to draw a gun. Rains sprang from the buggy and said that Lilly would have to fight for that. Lilly replied that he had no gun, whereupon Rains handed his gun to one of the party in the buggy and offered to fight with his fists. Lilly refused and Rains took his revolver and returned it to his pocket. Meantime Coulter, Denning, and Johnson had gotten out of the buggy. Charles and 'Red' Loomis, and John Knapp were standing near the bank at the time. As Rains put up his gun he remarked that he could easily whip Lilly. Lilly retaliated by calling him a liar, at which Rains drew his revolver and struck him over the head, mashing his hat, but not knocking him down. The men in ambush, who were awaiting the signal, now opened a volley of some sixty or seventy-five guns on the unsuspecting crowd (from Leoti). Every man was shot; shot from the back. The four men on the ground were brought down and of the three in the buggy, Watkins and Jenness fell out. The horses were shot and started to run away, with Boorey still in the buggy.

"After falling from the buggy Jenness got on his feet and started toward Leoti on a run. A number of shots were fired at him, five taking effect. The men of Coronado now ran out and commenced shooting at closer range, and after Coulter and Rains both were dead, put the muzzles of their guns against them and fired."

The account goes on to say that when a party from Leoti went over to Coronado to get the bodies they found them lying in the street uncared for. Fourteen bullet holes were found in the body of Coulter, and eleven in the body of Rains. Afterwards complaints were sworn out against a number of Coronado citizens, who were arrested and taken to Garden City and Dodge for safe keeping. For some reason the case against them was never prosecuted. As one reads the accounts quoted he can understand the reason why. It is perfectly evident that neither account is a fair statement of the facts. That Coulter could employ 150 toughs to carry a county seat election and pay the expenses out of a paltry $750, is of course absurd. It is also entirely evident that the men of Coronado were not the long-suffering, patient citizens pictured by the *Herald*, and neither were Coulter and Rains, and the others of the seven who went to Coronado on the fatal Sunday the estimable peaceful citizens pictured by the Leoti *Standard*.

No doubt they went to Coronado in a spirit of bravado, and no doubt on the other hand the citizens of Coronado expected to kill them when they came. Leoti won in the county seat contest, as it undoubtedly was entitled to do, and Coronado faded from the map. The *Herald*, after a little more than a year of troubled existence, suspended, and barring the fact that there is a whistling station on the Missouri Pacific called Coronado, the town is but a memory. Leoti survives, a town of some 400 people, peaceful and reasonably

prosperous. Possibly the name of Leoti, too, would have faded from the memory of men had it not been that ten years after the tragedy a man from that town, of striking appearance and remarkable curvature of the lower limbs, breezed into state politics, secured the nomination for state treasurer, and became the adviser and manager of the political faction at that time led by J. Ralph Burton. Had Burton followed the advice of his faithful friend from the wind-swept county of Wichita, he might perhaps still be a member of the highest legislative body in the world.

A Tragedy of the Frontier

The traveler through southwestern Kansas who crosses the county of Stevens and notes the orderliness of its thriving little county seat and the general peacefulness of the dwellers on its level prairie lands, can hardly believe that here was enacted one of the bloodiest dramas of the frontier. The census report for 1918 gives the following brief but comprehensive summary of Stevens County: "Organized in 1886, area 464,754 acres; population, 3,331; assessed valuation, $1,162,733; miles of railroad, main track, 31.20; county seat, Hugoton, population 553." No doubt the present census will show an increase in the population of both the county and the county seat, for southwest Kansas is slowly coming into its own.

The early history of Stevens County centers largely around one of the most remarkable men who ever figured in Kansas history—Colonel Sam Wood. Born near Mount Gilead, Ohio, in 1825, in the county adjoining that in which I first saw the light, Sam Wood was in his young manhood a contemporary with my father and a worker with him for the cause of aboli-

tion. Of Quaker parentage, he showed few of the peaceful characteristics of the members of that sect and from his earliest manhood until he met his death at the hand of his assassin, he was generally engaged in heated controversy, often in physical encounter, and was seemingly fascinated by the excitement and danger of conflict. It is not my purpose to analyze the character of this remarkable man. Admired by his friends and bitterly hated by his enemies, lauded by some as a statesman, humanitarian, and self-sacrificing reformer, denounced by others as an unprincipled charlatan and unmitigated scoundrel, his panegyrists and critics agreed upon one point, and that was that he was a man of remarkable mentality and great physical courage.

Possessed of ready wit and unusual faculty for sarcasm and repartee, in a rough and tumble debate he had no superiors and few if any equals. Apparently impervious to either insult or ridicule, he had the power to drive an opponent to a frenzy of exasperation while himself remaining cool and placid as a morning in June. Such a man can always command a following, and while he never rose to the position of a great leader, he made himself felt in every movement with which he was associated and every cause he espoused.

The organization of very few of the western Kansas counties will bear the light of honest scrutiny. The history of their beginning is in most cases a sordid chapter of chicanery and graft, where men with a previous record for honesty and fair dealing seemed to throw aside every principle of probity and civic righteousness and assisted in the writing of a bloody chapter of lawlessness and dishonor. The organization of new counties and the establishment of county seats was a new industry in the eighties, which promised fabulous rewards for the founders. In nearly every

case there were rival aspirants for the seat of county government and in order to win, the partisans of each were generally willing either to take part in or at least to wink at the commission of nearly every crime from petty larceny to wholesale murder. Perjury was excused as a necessity and ballot box stuffing was regarded as an entirely justifiable and commendable exhibition of local patriotism.

The men who were responsible for the bill forming the county of Stevens were the organizers of the first county seat, Hugoton, but it was not to have a clear field. Five or six miles north was located the town of Woodsdale, with Colonel Sam Wood as its master spirit. Some miles south of Hugoton was located the town of Vorhees and the fertile brain of Sam Wood devised a scheme by which the forces of Woodsdale and Vorhees might be united against Hugoton. There was no railroad in the newly organized county, but a proposal was made to build two lines east and west through Vorhees, leaving Hugoton in a pocket without hope of a railroad, for it was also proposed to vote the limit of county bonds to aid the two projected lines. Failing to get a railroad, it was figured that Hugoton would certainly lose the county seat and Woodsdale would become the seat of government.

It is hardly worth while to discuss the rights and wrongs of the bitter controversy which followed. Probably there wasn't much right on either side. Each town had a newspaper and looking back over the old files one is filled with a certain degree of admiration for the nerve of the men who edited them. No space was wasted in journalistic courtesies and if one were to believe the statements of the rival editors, both towns were inhabited entirely by liars, scoundrels, and thieves, the description of whose infamy taxed the limit of the editorial vocabulary. Each town imported a gunman of unsavory reputation to uphold the majesty

of the law. Hugoton brought in a Kentuckian by the name of Sam Robinson, who had already made a record for himself as a six shooter artist in Pratt and Barber Counties and who was probably about as cold blooded a murderer as ever drew a gun. He was made city marshal of the new town of Hugoton. Woodsdale selected as guardian of the law one Ed Short, who, I believe, had achieved some reputation in and around Dodge City in an earlier day.

South of Stevens County lies a strip of country at that time known as "No Man's Land," now Beaver County, Oklahoma, but then supposed to be without the jurisdiction of either the state of Texas or the United States. Here was the setting for the bloody drama on which the curtain was to be rung down four years later.

A meeting was being held in the town of Vorhees, a joint debate on the proposition to vote bonds for the two-line railroad project. Colonel Sam Wood was to have been the principal speaker for the bonds, but for some reason could not be present. A deputy sheriff, James Geraud, undertook to read the Colonel's written speech, but was knocked senseless by a blow from the pistol of Sam Robinson, who from that time on dominated and broke up the meeting. A warrant was sworn out before a Woodsdale justice of the peace for the arrest of Robinson, charged with assault with intent to kill. Ed Short, the Woodsdale city marshal, rode to Hugoton to serve the warrant. He saw Robinson sitting in front of his alleged drug store and decided to shoot first and serve the warrant afterward. His aim was bad and Robinson, unharmed, got his gun and returned the fire. A posse of Hugoton men gathered at once and chased Short back to Woodsdale after a running fight, in which a good deal of ammunition was wasted, but no one injured.

A few days afterward, July 25, 1888, Robinson,

Chamberlain, and Cyrus Cook and wife, of Hugoton, went to No Man's Land to gather plums. Ed Short and "Bill" Housely, of Woodsdale, started after them with the intent of arresting Robinson. They found him in a claim house, his horse, a celebrated racer, stabled in a half dugout nearby. Robinson succeeded in mounting his horse and escaped. Short sent back to Woodsdale for reinforcements and the sheriff of the county, Cross, organized a posse composed of himself, Theodosius Eaton, Herbert Tonny, Bob Hubbard and Rolla Wilcox, and started for No Man's Land. They passed through the town of Vorhees, where lived a young attorney, Jesse Dunn. They invited him to join them. He was willing, but had no saddle for his horse and it was too long a ride to take bareback. Jesse Dunn afterward became a member of the supreme court of Oklahoma instead of a victim of the Hay Meadow massacre. What trivial things often change the entire current of a man's life!

Sheriff Cross rode on to the claim house where Robinson had been, found him gone, and turned to ride home. Three miles below the Kansas line, they camped for the night, with a party of men who had gone down there to cut and gather hay. Without apprehension of danger they lay down to sleep by the stacks of new mown hay, when a Hugoton posse led by Robinson surrounded them. They woke to face the guns of their captors and standing in line disarmed and helpless they were shot to death, all of them with one exception falling before the gun of Sam Robinson. Young Tonny managed by a quick shift of position just as the gun aimed at his breast was fired, to receive the bullet in his shoulder instead of through his vitals. He fell and feigned death so well that his would-be executioners left him weltering in his blood, supposing him dead. Cross, Hubbard, Eaton, and Wilcox were dead.

After Robinson and his crowd had departed Tonny, desperately wounded as he was, managed to get on a horse and rode north until he reached friends and surgical aid.

Nearly two years later, at the end of one of the most sensational trials in the history of the country, six Hugoton men, Cyrus E. Cook, O. J. Cook, J. B. Chamberlain, Cyrus Freese, J. J. Jackson and Jack Lawrence were convicted of the murder of Cross and the others. Colonel Sam Wood had been most active in the prosecution and on the Fourth of July, 1890, made the closing argument for the Government, speaking for eight hours. Sentence of death was passed on the six Hugoton men and the date of their execution set for the following December. Through the influence of the two Kansas senators, Ingalls and Plumb, a stay of execution was granted, the case was appealed to the supreme court of the United States, and a new trial granted. The case never again came to trial. Sam Robinson, who had done nearly all of the killing, had been convicted of train robbery in Colorado, where he had gone after the Hay Meadow massacre, and was safe in the Colorado penitentiary when the trial was being held at Paris, Texas.

But the last act of the bloody drama had not been played. Judge Theodosius Botkin, Sam Wood's enemy, had been impeached by the lower house of the Kansas Legislature, but acquitted by the Senate, and returned to his district more bitter than ever against the man most responsible for his impeachment. A charge of bribery was filed in Botkin's court against Wood and on June 23, 1891, in company with his wife he drove to Houghton to face the charge. It was reported that a little boy playing in the street of the frontier town was heard to tell his companions, "They are going to kill old Sam Wood to-day." The court was being held in a

church. About the time Wood and his wife approached court was adjourned, the judge left the church and stepped across the street. Colonel Wood got out of his buggy and started to enter the church, when a Hugoton man, Jim Brennan, drew his gun and shot Wood in the back. The colonel turned to run out of the church when Brennan shot him twice more, the last shot through the brain, and Wood fell dying at the feet of his wife, who, standing over the body of her husband, pointed dramatically at Judge Botkin, and in the language of Nathan, the prophet, to King David said: "Thou art the man." Brennan, with his smoking pistol in hand, refused to surrender to the sheriff of Stevens County, but gave himself up to the sheriff of Morton County. He was arraigned, charged with murder. The Populist attorney general of Kansas, J. N. Ives, went to Hugoton to assist in the prosecution. Judge T. B. Wall, of Wichita, was selected to preside at the trial, but it was found impossible to secure a jury to try the case in Stevens County and Brennan was released on bail.

Hard times came to Stevens County; the tide of immigration rolled back. Most of the homesteaders abandoned the country. The towns of Woodsdale and Vorhees faded away entirely and Hugoton at one time was reduced to eleven weather-beaten houses. Sam Robinson was in the Colorado penitentiary and Ed Short was killed in Oklahoma by a desperado he had taken prisoner. The silence of desolation ruled where men had striven and fought and died and gained nothing from the bloody sacrifice and ruthless struggle. Twenty years later a requisition was issued for the arrest of Jim Brennan, the slayer of Colonel Sam Wood. Brennan had located at the town of Getabo, Okla. The extradition was resisted on the ground of former jeopardy and Brennan went free.

In the years since then a new prosperity has come to the southwest. The abandoned homesteads are again being cultivated and Hugoton is taking on a new growth. In all the wide expanse of United States territory there is no more peaceable and law-abiding community than Stevens County, in which was played to a finish one of the bloodiest dramas in frontier history.

Draw Poker on the Border

The gambling instinct is almost universal among the children of men. Camouflage the game in the form of a church raffle and the supposed children of light will squander their substance with as much interest and zeal as the children of darkness display when they gather about the faro table or the roulette wheel. Possibly among no class of men was the gambling spirit more rife than among the cattlemen and cowboys of the range. The big cattlemen played them clear up to the roof, while the range riders wagered with even greater recklessness whatever they might happen to have in their pockets, and after that was gone, they would get whatever they could raise on their other earthly possessions.

It was no uncommon thing for a cowboy to work faithfully for six months on the range, enduring without complaint all kinds of privations and dangers; then with his six months' pay burning his pocket, he would hunt for the first game he could find, and before morning would walk out dead broke, but cheerful, borrow enough from some friend or loan shark to get back to the range, and begin again the job of riding the lines. As I have said, the passion for gambling was not confined to any class or condition. Two of the men who most earnestly loved the great American game

of draw poker were Major Andrew Drumm and Colonel Gus Johnson.

Andy Drumm was a first-class business man, one of the most successful cattlemen operating between the Arkansas River and the Rio Grande. He died a few weeks ago at the ripe age of ninety-one, worth $2,000,000. With Andy Drumm, the game was merely a pastime. He was counted one of the most expert poker players among the men of the range, but he did not sit in for purposes of gain, and was only a trifle less joyous perhaps as a loser than as a winner.

Colonel Gus Johnson, head of the great Eagle Chief pool, and manager of the great herds carrying the T5 brand, 100,000 or more, was a different type of man from Major Drumm, and not so good a loser.

"Gus Johnson has the impression," said Major Drumm to me one day, "that he can play poker. Not long ago he and I were in Kansas City, and he bantered me for a little game of 'draw.' I was sort of hungry for a game myself. During that pleasant evening I trimmed him for $1,000. He wasn't satisfied. He is really one of the most difficult men to satisfy I ever saw. He insisted on playing the next night. When we parted I had separated him from a roll of $1,500. I remarked that it had been a pleasant evening, but he didn't seem to regard it that way, and indulged in language which made the leaves on the palms in the hotel parlor wither and curl at the edges. He wanted revenge, and I was pleased to give him the opportunity to get it. The next evening I trimmed him again to the tune of $2,500. It wasn't what I would call a warm night at all, but I have seldom seen a man perspire more freely. I wouldn't say at that, that he was satisfied, but he was convinced; but, do you know, I think that man still entertains the delusion that he can play poker." And Major Drumm chuckled with pure delight at the recollection.

Among the inveterate gamblers of the Medicine country was one Nathan Priest, who had a few hundred cattle ranging on Elm Creek. Nate was not a skillful manipulator of the pasteboards, but had the reputation of being willing to take advantage of a crooked deal if he had the opportunity. The town poker players regarded him as an easy mark, and when he made a sale of beeves they rejoiced at the prospect of the harvest.

As a sample of the manner in which he was plucked, one night his opponent dealt him a hand composed of three queens and two other cards. All the other players dropped out except Priest and the dealer. Suddenly the dealer complained that a bug had got in his eye. He appeared to be in great pain. All the other men except Priest gathered about him, full of sympathy and apparently deeply concerned in getting the bug out of his eye. Nobody was paying the slightest attention to the cards on the table except Priest, who was busily engaged in pawing over the discard in search of the other queen. It took him some time to find her, but he did at last. Then the hunt for the bug in the dealer's eye was rewarded. He expressed great relief and took up the hand he had laid on the table.

Priest began to raise. The dealer saw the raise until they reached $600. It had been ascertained that this was the amount of available cash Priest had in the bank at that particular time, and so the dealer "called" him. It is hardly necessary to say that the dealer held four kings. It dawned on Priest too late what was the meaning of that bug in the eye. His check had already been taken to the bank and cashed by a confederate of the dealer.

One more poker story comes to mind. "Circle Pete" was a family man and reasonably kind to his wife and children, and a fair provider, but possessed of an ungovernable passion for the game of poker. On one oc-

casion, those were the days before the telephone, Pete's wife sent a messenger in the person of one of the children to look him up. It was after midnight, and she wanted him to come home. The boy found his delinquent parent where his mother had supposed he was located, and was met at the door of the room by a side partner of Pete's who, owing to lack of funds, had retired from the game earlier in the evening. "Tell your ma, son," said the side partner, "that your pa lost his shirt on a full hand a few minutes ago, but as soon as he can borrer another he will mosey home. Tell her not to worry none. Pete won't play no more tonight."

Cimarron vs. Ingalls

One of the last of the county-seat wars was that of Cimarron vs. Ingalls. The stories of the different county-seat wars that marked the history of the development of western Kansas, differed each from the other, but there was one point of resemblance common to them all. All of them were distinguished by a disregard of honor and a willingness on the part of both parties to the contest to violate about every civil and moral law in order to win. The county-seat war in Gray County did not differ in that respect from the others, but it had wider ramifications and elements of almost romance that distinguished it from all the rest.

The central figure in the drama, mostly tragedy but which contained certain elements of comedy, was A. T. Soule, of Rochester, New York, reputed to be worth $10,000,000, accumulated from the sale of Hop Bitters to a credulous public. Why Soule came to Kansas is somewhat hard to understand. He had, if reports were true, more money than he could spend in the purchase of mere creature comforts. He did not need to

build western towns or to endure the hardships, dangers, and vicissitudes of life on the wind-swept plains of western Kansas. It may be that there was the lure of adventure drawing him on, or it may be that he thought he saw in the far-flung prairie landscape where the sun rose and set without a tree to cast a shadow either in the morning or at eve, the setting for an empire of which he would be the builder. At any rate he came and as a result of his coming there was strife and bloodshed, the memories of which last among the older inhabitants even till now.

For a man who had succeeded in building up a great fortune in a business venture in the East, A. T. Soule's projected enterprises in Kansas were singularly unsuccessful. He built a great irrigating ditch in western Kansas, which did not irrigate, although he did succeed in floating many hundreds of thousands of dollars of bonds, which gilded promises to pay may yet, no doubt, be found in the vaults of disappointed eastern purchasers. He built a college near the town of Dodge which I think never had any students, or if it did has long since been abandoned as an institution of learning. He built a railroad seventy miles or so to the southwest, but abandoned it. A few years ago the A. T. & S. F. built a branch line over the old Soule right-of-way to the southwest corner of the state. It is now one of the most prosperous branches of that great system. His plan to locate the county seat and build a great town on the banks of the Arkansas River finally came to naught; the town he organized still lingers, but has less than a hundred inhabitants, and the county seat has long since gone to its rival.

The county of Gray was organized in 1887 and the temporary county seat was at the town of Cimarron. The first county-seat election was called for October 31. Something of the story of the contest may be

gathered from the records of the supreme court, before which body came the representatives of the two towns, one side asking for the removal of the county seat records from Cimarron to Ingalls and the other trying to prevent it, on the ground that the latter town had won only by the most glaring frauds and shameless bribery. The story told in the supreme court report is a decided instance of the pot calling the kettle black. The charges made by each contestant against the other were not seriously disputed and they are worth reading, if for no other purpose, to show that, so far as Kansas at least is concerned, the people are not getting worse, even if they are not making great moral strides forward. Here is the story told by the Ingalls faction about the Cimarronians:

Prior to the election there existed in one of the voting precincts known as Ford precinct, a secret organization called the Equalization Society, composed of seventy-two members whose sole object, as shown by their constitution and by-laws, was to sell their votes solidly to the town which would pay the highest price, the money derived from the sale to be divided equally among the members, who were bound by oath to vote solidly for the town to which the sale was made. For violation of this oath the penalty was death. Just prior to the election, the record goes on to say, one T. H. Reeves, a leading Cimarron manager, made a bargain with this organization by the terms of which the Equalization Society was to receive $10,000 and in return cast the solid vote of the membership for Cimarron. To bind the bargain on the part of Cimarron a bond signed by fifteen of the most prominent citizens of Cimarron was given binding them to the payment of the $10,000. The seventy-two votes were duly cast by the members of the society, but when a committee went to Cimarron to get the ten thousand

they were told to go to hell, as the town had their votes and the bond was a forgery anyhow, which outcome brings to mind old Chester Thomas' definition of an honest man, who, he said was one who would stay bought.

The majority of the supreme court, holding no doubt that one side was as badly tinctured with fraud as the other, and as Ingalls seemed to have succeeded in getting more votes in the ballot box than Cimarron, gave that town the decision. However, Judge Albert Horton, then chief justice, rendered a dissenting opinion in which he removed the hide of the Hop Bitters vendor in the following thorough and altogether workmanlike manner.

"A. T. Soule, a man worth from $8,000,000 to $10,000,000, and living in New York, became interested in Ingalls, whether for his mere pleasure or his pecuniary profit it is difficult to say. He attempted to make Ingalls, a new and very small place, the county seat. He supposed that with his immense wealth he could locate the county seat wherever he willed. The principal contesting towns for the county seat up to within a few weeks before the election were Ingalls, Cimarron, and Montezuma. During the campaign prior to the election Soule and his agents were prodigal with their corrupt funds, with which to bribe votes for Ingalls. His checks for that purpose for $100, $500 and other sums were disbursed throughout the county. He said, 'If any man will tell me how to buy the county seat I will freely pay it.' He proposed to build a railroad to Montezuma and got that town to withdraw as a contestant for the county seat. He and his agents imported to the county before and on election day a crowd of toughs and killers."

Finally, urged the chief justice, if the petition of the Ingalls crowd was granted it would encourage "Soule and other conscienceless scoundrels" to engage

in other and like schemes of lawlessness and corruption.

In most of the county-seat wars the fighting, that is the real killing, commenced before, at, or immediately after, the alleged election, but in the case of Gray County the bloody finale was postponed for more than a year. There was a growing disposition to depend more on courts to settle the controversies and rather less on guns in the hands of hired killers. So the tragedy was delayed while motions for rehearings were filed and argued. In this case, Cimarron had the advantage of possession; the docket of the supreme court was crowded with more business than the three judges could dispose of promptly, and Cimarron was taking advantage of this delay. Meantime, the Ingalls crowd had captured most of the county offices, among them the coveted office of sheriff, and the bolder spirits decided that it was time to quit fooling with their rival and take the law in their own hands.

On a mild January day in 1889, a wagon, with ten or twelve men armed and concealed in the bottom of the wagon bed, drove into Cimarron and halted in front of the courthouse. The men got out of the wagon and, while part of them stood guard at the front, the others swarmed up the stairway and, pulling their guns on the county clerk, A. T. Riley, ordered him to throw up his hands, while they took possession of the county records. The news that the Ingalls crowd was raiding the town spread quickly through the little frontier village, and the Cimarronians rallied for the battle. Who fired the first shot is a matter of dispute. The men of Cimarron claim that the shooting was commenced by the Ingalls crowd, which is entirely probable, as they were there for the purpose of intimidating the inhabitants of Cimarron and getting away with the records before an effective defense could be organized. The conflict was short but bloody.

J. W. English, a leading citizen of Cimarron, fell dead at the first fire, and Ed Fairhurst and Jack Bliss, two other Cimarron men, were mortally wounded. Asa Harrington, another Cimarronian, suffered the loss of a thumb, while another citizen on taking off his hat after the fray was over, discovered that a bullet had passed through the crown and clipped a lock of his hair which was still inside the hat. The owner of the head covering frankly confessed that if his durned hair hadn't been standing up it wouldn't have been shot off that way.

The Ingalls crowd, led by a brother of Bat Masterson, did not escape without casualties. Brooks, of Dodge City, was mortally wounded, and Neal Brown, G. W. Bolls, and C. Reicheldeffer were severely wounded. Meantime the county records were piled into the wagon and gotten out of town by the Ingalls partisans, but three or four of the attacking party were captured by the Cimarron men. It is a somewhat remarkable fact that they were not killed by the enraged men of Cimarron when they had them in their power, instead of being surrendered to the sheriff who was an Ingalls partisan, and who immediately turned them loose. A company of militia under the command of General Murray Myers, of Wichita, was hurried to the scene. Order was restored and the last of the really bloody county-seat wars of western Kansas was ended.

It was the news of the county-seat contest in Gray that called forth the following literary output in the *New York Tribune*:

"The news that another county-seat war has broken out in Kansas has found its way to New York by telegraph. Kansas is again in the saddle. Once more a four-mule team is attached to one of the court houses and it is going across the prairie on a fast trot.

"The existence of the western Kansas court house is

at best transitory and uncertain. The golden morning sunlight floods it in Pottawatomie City, but its lengthening evening shadow falls across the streets of Little Paradise Valley. One day the stray swine of Occidental City seek its hospitable shade, the next some predatory calf in Big Stranger bunts open the back door and eats a deed and two mortgages while the register is taking a nap. To-day we mark it in Grand Junction with a new front door painted yellow, and the gable end blown off by the last tornado, but to-night a band of determined men will come from Rattle Snake Crossing and haul it away with a yoke of oxen, with the mayor and city council of Rattle Snake pushing on the end of the court house. The Kansas court house is the 'Wandering Jew' among public institutions."

The people of western Kansas long ago learned that the mere fact that it was the county seat did not build a town and that the advantages derived did not compensate for the lives lost and the honor sacrificed in the desperate struggle for a prize much coveted but, as subsequent events proved, often of little value. For many years one of the county-seat towns of southwestern Kansas could boast only of fifteen inhabitants; two others did not have more than seventy-five inhabitants each, and the best block of lots in the town would not have sold for enough to have paid the funeral expenses of the men whose lives were sacrificed in the early-day conflict.

A Steer Was the Ante

I do not wish to create the impression that the late Major Andy Drumm was entirely addicted to the game of draw poker, for, as a matter of fact, he was a very competent and keen business man, possibly the best judge of cattle among the men of the range; a man who rarely made a mistake in his judgment of men and

who was a close observer of markets and industrial conditions. This was the reason why when he died his estate totaled $2,000,000 in first class securities, cattle, and real estate. Neither was he a mere money maker. The ambition of his life was the creation of a home where friendless boys would have a chance to get an education, be taught habits of industry and thrift, and turned out into the world well equipped and useful citizens.

His love of the game of poker was a mere pastime. He liked the excitement and adventure of it and it may be said in passing that the size or character of the stakes never daunted him.

After the Major had established his commission house at Kansas City, in the early eighties, there came one day a Texan who also loved the game rather better than he did choice food, and when the business of the day was closed he suggested to Major Drumm that he would like to "sit in" but that he was somewhat hampered in the way of cash.

"That need not stand in the way of a pleasant evening," remarked the Major, "you have plenty of cattle. Suppose we make the ante a steer and two steers to 'come in.' "

The novelty of the proposition appealed to the Texan and the game started. Major Drumm dealt the cards; the man from Texas theoretically put a steer on the table as his ante. Drumm came in with two steers, having been dealt a pair of tens and had the luck to fill on the draw, while the Texan caught a bob-tailed snag and passed out.

On the third round it was proposed to make it a jack pot. Three deals were made before either could open the pot, when the Texan drew a pair of jacks and opened with a fine breeding bull, which counted the same as six steers. Major Drumm promptly covered

this with five steers and a two-year-old heifer and then went the Texan twelve cows better.

The Texan drew more cards, "saw" the twelve cows and raised the Major fifty steers, twenty two-year-old heifers, four bulls and twenty-five yearling heifers. Drumm carefully scanned his hand and then placed on the table, six fine blooded Alderney cows, five imported Durham bulls, 100-grass-fed two-year-old steers, fifty prime to medium Colorado half-breed steers, with a side bet of a Normandy gelding to cover the bar bill.

The Texan "called" with an even 250 straight Kansas wintered Texas half-breed steers, ten Scotch polled cattle, fourteen Texas mustang ponies and the deed to a tract of land in the Panhandle of Texas.

When the cards were laid upon the table Major Drumm had three aces and the Texas gentleman had three jacks. As the result of the game, Drumm theoretically placed in his hip pocket 750 steers, a large number of blooded bulls, a considerable herd of one and two-year-old heifers and cows of high and low degree, ten mustangs and a ranch in the Panhandle of Texas.

While cattle were low in price at that time as compared with present prices, it is probable the money value of the stakes in that remarkable game was not less than $40,000. It was not a piker game. This game was not only unique in the matter of the stakes played for, but it illustrated the character of the men who engaged in the cattle business at that time. Probably no men were freer spenders or, according to the standard of time, better sports. The losing of $40,000 or $50,000 worth of cattle, horses and other livestock, with a ranch thrown in, all in an evening session at poker, did not dampen the spirits of the Texas rancher, and neither would it have brought any sadness to Major Drumm if he had been the loser. But it was some game.

When Hell Was in Session at Caldwell

In the issue of December 17, 1881, of the Wichita *Beacon*, then a weekly paper, is found this brief but comprehensive editorial statement:

"As we go to press hell is again in session at Caldwell."

Just then Caldwell was the wildest town on the Kansas border. It had had something of a reputation for several years but at that time other wild and woolly towns were showing indications of tameness and comparative austerity, and as one star differeth from another star in glory, so border towns differed from each other in their wildness and "wooliness," and just then Caldwell led all the rest.

The prohibitory amendment to the Kansas constitution had been adopted the year before and the first prohibitory law was in operation. But a few towns saw fit to ignore the law and among them was Caldwell. Its business men labored under the delusion that saloons and dance houses were necessary to the prosperity of the town and as a result they ran wide open, with the full consent and approval of the city authorities. The few inhabitants of the town, who did not favor this open violation of the law, were regarded as troublesome and unreasonable cranks if they voiced their sentiments, which few of them did. Even the preachers, for the most part, found something else to preach about and made little, if any, mention of the lawlessness and iniquity immediately at hand.

At the time this somewhat startling statement appeared in the Wichita *Beacon*, the mayor of Caldwell was a big, blue-eyed, handsome Irishman by the name of Mike Meagher. Mike had been the city marshal of Wichita in the days when that town was the terminus of the Texas cattle drive, and during the course of his

administration had killed a desperado by the name of Powell. Unfortunately for Meagher, Powell had a cousin, a Missourian, who probably had been a bushwhacker during the Civil War, and to whom murder was a pastime. Jim Talbott was a typical "bad man." To him human life meant nothing. Mercy would have been regarded by him as a display of effeminate weakness, and to "get even" with one who had incurred his enmity was the height of his ambition.

When word came that his cousin, Powell, had been killed, Jim Talbott is said to have registered a vow that he would "get" the man who killed him. It was a year or two after the killing, as the story goes, when "Billie the Kid" was making his spectacular and bloody record in New Mexico, that he one day met Mike Meagher. They were taking a drink together when "Billie the Kid," leaning on the bar, looked at Mike Meagher with an evil, mirthless smile and said: "I understand that Jim Talbott says he intends to kill you on sight." Possibly Mike did not at the time take the warning very seriously, for like most of the men who were city marshals and sheriffs in those troublous times, he was inclined to be a fatalist, who had the impression that, somehow or other, he bore a charmed life.

He had moved from Wichita to Caldwell when the "Windy Wonder" ceased to be a cattle town, and because he was the type of man he was, was elected mayor of the town. A few months before his death, I met Meagher. He seemed at that time as carefree as a boy; a big, good-natured Irishman, who had not thought of a rendezvous with death.

It had been nearly six years since the gunman Powell had died as he tried to "draw" on the street in Wichita, but Jim Talbott, the bushwhacker, had not forgotten. I might say here that while he was known on the border

as Talbott, his real name was Sherman. Why he saw fit to change it I do not know. He had gathered his gang and notified each of them of his purpose, which was to kill Mike Meagher. All of them were desperate gunmen. Tom Love, Billy Mankin, alias Comanche Bill; Bob Munson, Dick Eddleman, Jim Martin, Doug Hill, Bob Bigtree, and Tom Delaney. On a black December day they met in Caldwell and laid their plans. They were to start trouble in one of the dance halls. They knew that Meagher would take a hand in quieting the disturbance, and in the course of the fight they intended to kill him. The night before the killing there was an Uncle Tom's Cabin show in town, which Talbott and his gang attended in force. They interrupted the performance with oaths and obscenity until finally the editor of the Caldwell *Post*, Tell Walton, protested and asked Talbott to refrain from his foul remarks. For this, Talbott cursed the editor, and told him that he would get him next day. All the plans evidently were not completed yet, and the editor's life was spared.

The next night trouble started in earnest. Talbott and his gang were starting out to "shoot up the town." George Speer, proprietor of the "Red Light" saloon and dance hall, perhaps as tough a place as ever flourished on the border, had joined the gang, for he, too, had his grievance against Mike Meagher. Speer's brother had murdered a man in cold blood a few months before and Meagher had insisted that the murderer should be arrested. It seemed to George like an unseemly thing to make so much fuss about so trifling a thing as murder. The city marshal seemed to have a hunch and was not on the street when the shooting commenced, but at daybreak Meagher hunted him up and told him to arrest the men who were shooting in the street. The marshal found a part of the gang armed with Winchester rifles and revolvers and Tal-

bott with a needle gun. He disarmed one of the men, Tom Love, and started with him for the city jail when the other conspirators interfered and rescued the arrested man. The marshal called on the mayor for assistance, which was what the gang wanted. They could easily have killed the marshal, but he was not the one they were after. They knew that Mike Meagher would come to the rescue. The city marshal soon sensed the plot and begged Meagher to seek safety, but to a man of Meagher's temper and reputation to run from danger would be worse than death and Talbott knew it. So the great street fight commenced. The gang and Meagher, and a few daring enough to come to his aid, sought protection behind buildings which, in the course of the battle, were riddled with balls. Talbott, his mind concentrated on just one object, the death of Meagher, slipped round a building for a flank attack. Meagher, generally wary, was caught off his guard and as he stepped from behind a building Talbott shot him through the breast and Meagher fell mortally wounded.

Meantime the big sheriff, Joe Thralls, had been notified and with a posse of twenty men was on his way to the border; but Talbott's vengeance had been satisfied. The man he had sworn to kill was dead by his hand and, gathering his gang, he started to get out of town before the sheriff arrived. It was a bit of retributive justice that the dance hall proprietor who opened the shooting in the streets, was shot through the heart as he started to mount his horse and ride out of town with the rest of the gang. The others impressed horses from a livery stable, but one horse was disabled as the gang started to flee and, with two of their number mounted double, the murderers fled to the southward. A few miles south of the border they came across a couple of freighters' camps and after

helping themselves to such provisions as they could carry and part of the horses, they rode on to the ranch of W. E. Campbell, where they helped themselves to fresh horses. Campbell, who was a man of hasty temper, was irritated by the theft of his horses and joined enthusiastically in the pursuit which was being conducted by the frontier sheriff. A few miles further south the murderers took refuge in a rocky canyon and there for several hours kept up a fight against the sheriff and his posse, one of whom Campbell, the rancher, was severely wounded. It was known afterward that some of the Talbott gang were wounded but managed to escape and somewhere in the fastnesses of the mountains far to the southwest, they finally eluded their captors entirely.

It was more than twenty years afterward that Jim Talbott was finally apprehended and brought back to Kansas for trial for the murder of Mike Meagher. But the witnesses were scattered or dead. Perhaps, too, there was a feeling that as Caldwell had seen fit to defy the law and protect lawbreakers it might be just as well to let bygones be bygones. Whatever the reason may have been, Talbott was never convicted and Mike Meagher lies in his grave unavenged. The days of the saloon and dance hall in Caldwell have long since passed and for years there has been no more orderly community in the great state of Kansas, and men wonder now that there ever was a time when they thought that saloons and dance halls were aids to prosperity.

Campaigning on the Frontier.

Among the early representatives from Kansas was Judge R. William Brown, who at one time represented in Congress about two-thirds of the entire

area of Kansas. He was also the first judge to hold court in the frontier county of Barber. Judge Brown was a graduate of an eastern college, well educated and well read in the law, but he never succeeded in adapting himself to the environment of the frontier. It was that perhaps which restricted his service in Congress to a single term. He was short-sighted and had to wear glasses, which on the frontier was a handicap. For some reason the average frontiersman looked on a man who wore glasses as affected, perhaps effeminate or inclined to be a dude. In addition to wearing glasses the judge was a preternaturally solemn man. If Judge Brown ever smiled I never happened to be present when he gave indication of mirth, and my acquaintance extended over several years. Another thing which marked the judge was his luxuriant crop of whiskers which in times of calm covered his breast as with an auburn mantle and at other times were tossed by the playful Kansas winds.

During the later eighties the Republican state central committee gave me my first assignments as a campaign speaker. I was billed to fill a number of appointments on the kerosene circuit in company with Judge Brown. I collected a number of more or less mouldy chestnuts with which to enliven the otherwise barren wastes of my speech. Judge Brown, ex-judge and ex-congressman, was supposed to do the heavy work of the campaign. I as a young man was going along as a sort of filler. In deference to his greater age and experience and accumulated political honors, he was to make the last speech, while I made the opener.

As I told the stories I had collected and committed to memory, the judge sat in front of me regarding me with profound gravity and, I thought at times, with tolerant sadness. When I got through he would come forward after the introduction by the chairman

and discuss the tariff at length, without a story, or glint of humor. It was really an able presentation of the tariff question, but unfortunately most of the audience didn't care a whoop about the tariff and perhaps failed to appreciate the judge's masterly effort.

After we had filled perhaps a half dozen appointments I was somewhat surprised when the judge proposed to reverse the order of the speaking, indicating that he didn't consider it quite fair that I should always have to take the opening when the audience maybe was just gathering and hardly settled in their seats. I told the judge that I appreciated his generosity, but really thought he ought to close the meeting, but if he insisted I would do the best I could. At the next meeting place the judge informed the chairman that he would open with a short speech and I would close.

To my astonishment he started in on my stories and repeated one after another until he had exhausted my supply. He told them as his own and with a funereal sadness that I have never seen equaled. As he told them they seemed to be profoundly pathetic and almost moved the audience to tears. They did not fit anything in his speech but it was a knockout for me. I simply couldn't readjust myself to the situation. When he got through I excused myself, saying that I wasn't feeling well and at any rate after the masterly and exhaustive speech of Judge Brown I felt there was little to add. So far as I was concerned, the statement that the address was exhaustive was no figure of speech. I felt decidely exhausted. I don't know how it was with the audience. The judge made no apology or explanation and I asked for none.

At the next stop, however, the judge was to fill the date alone and I was ordered to go on to another little frontier town. The railroad station was a full half mile from the town at which Judge Brown was to

speak and the local committee had evidently decided that there ought to be some sort of reception. One Republican in the town was found who could blow a fife and another had in some way become possessed of a large bass drum. These two constituted the reception committee. When the judge alighted from the train the reception committee formed a procession: the man with the fife in front, the judge in the center, and the man with the bass drum bringing up the rear.

The fifer struck up in shrill and piercing measure the air of "Yankee Doodle" and the man with the bass drum, in the rear, beat furiously on his instrument. I never saw a man expend more energy on a drum in my life, and there came to me the story of Artemus Ward, who said that he once knew a man who hadn't a tooth in his head and yet he could play the bass drum as well as any man he ever saw. As the train moved off across the prairie, I watched the novel procession moving toward the town—the fifer throwing his whole soul as it were into the old but inspiring air, the bass drummer beating furiously on the resounding drum, and Judge Brown walking gravely between the two, his whiskers tossed by the Kansas wind, calling to mind the lines of Whittier telling of the flag incident of old Barbara Frietchie:

> "All day long it rose and fell
> On the loyal winds that loved it well."

And so the judge's whiskers rose and fell on the Kansas winds that loved them well.

From there on our ways parted in that campaign. I do not know whether the judge inflicted those stories of mine on any more audiences or not, but I always cherished a feeling that he put one over on me.

The Tribulations of Early-Day Editors

I have had occasion heretofore to mention an early-day Kansas editorial writer who was gifted with brilliant talents but who wasted them with reckless prodigality. It has been a good many years since I have heard of Jim Chatham. I do not even know whether he is alive or dead. He was instinctively a bohemian, unstable and dissipated, but with so many likable traits of character that his acquaintances were disposed to forgive his shortcomings, which were many and inexcusable. If he had been stable and industrious he might have ranked as one of the foremost wits of the editorial profession. If he had devoted himself to short story writing I think he might possibly have rivaled O. Henry.

In the late seventies and early eighties he was editor of the Short Creek, afterward Galena *Daily Republican.* In one of the issues of November, 1880, under the title "Terrible Female Craze for Editorial Gore," he says:

"What this community needs just now is a society for the prevention of cruelty to men, especially writin' men, otherwise editors. There is entirely too much blood on the moon and the air is getting too fragrant of the smoke of battle. There are too many bloodthirsty women on the war-path and unless some steps are taken pretty soon to secure a cessation of hostilities, there is liable to be a number of vacant editorial chairs.

"For three days a woman in a violent rage has been promenading the streets of this town, looking for the man who writes up articles for the *Republican.* We are confident she is armed or she would not be so bloodthirsty, but whether she carries a pistol or a cowhide we have not been able to ascertain. She doesn't know him when she sees him and, thanks to a generous public, no one will point him out. She boils over at every street corner and the object

of her search hasn't eaten a hearty meal for three days, and besides his hair is rapidly turning gray. One woman has brought suit against the paper for libel and wants three thousand dollars to patch up her wounded reputation. We don't care for that, however. She has only to call and the money will be paid without a grumble, but the cowhide and that pistol or perhaps a loaded cane, is what is causing a good deal of uneasiness. We want to resign in favor of a solid, cast-iron man with a Bogardus kicker attached to each heel.

"It was only yesterday afternoon that a stout, ruddy-faced lady suddenly entered the sanctum and inquired for the editor. That individual made no reply, but disappeared through the scuttle hole into the garret as suddenly as though taken up by a cyclone. In his hasty endeavor to reach the farthest corner of the garret, he fell through the plastering and hung down into the police court room, suspended between the ceiling and the floor by the well worn and unsafe seat of his unmentionables. When he was relieved from that ludicrous predicament the matronly woman, who proved to be a lady friend from the country, came forward and said her 'old man' had sent us a few apples to eat during the long winter evenings.

"The man who does the collecting has had both his eyes blacked by irate females, simply because he is an attaché of the *Republican* and the carrier boys all carry welts across their spinal columns as large as a ship's hawser.

"One typo hasn't been out of the office for three days and he begins to think it is about time to break his fast. The other one, who is more intrepid, has had two ribs broken and his nose rests on the side of his face like a maiden's head on a Sunday shirt front after evening services.

"The young man who wheels offal from a Main Street butcher shop was mistaken for the editor of the *Miner,* yesterday morning, by an enraged female, who hit him in the eye with a rotten potato.

"A four-tined clerk in an Empire City livery stable was yesterday morning chased three blocks and kicked every jump, by a frenzied female who mistook him for the editor of the Joplin *News.*

"The 'old man' of the west end of the *Herald* has been hiding out in the brush for three days. His nose has been battered into the shape of a Texas cow horn, and the finger-nail marks on his body, where his shirt front used to rest, give that part of his person the appearance of a map of the Short Creek mining district. He wears more beef steak on his left eye than he has eaten for six months. He says that he has had enough of this blarsted country and intends returning to England, where women are amenable to the law.

"The local editor of the *Herald* has been in bed nearly a week and his head is as hairless as the other side of a tomb stone. How the proprietor of the *Miner* has suffered we are not prepared to say, but from the tone of the following, which appears in yesterday's *Herald,* we judge that he is out of town:

" 'Yesterday a well dressed and respectable looking woman stepped into Halyard's hardware store and purchased half a dozen cartridges, with which she quietly proceeded to fill the chambers of her revolver. When asked why she carried the weapon, she replied that it would soon be made public if a certain party came in on the Gulf train.'

"We have telegraphed every station agent along the Gulf road to advise him to go on to China.

"We no longer have a free press. It has been muzzled, and that, too, by women, who seem determined not only to rule, but to ruin also."

Jerry Simpson

Among the unique and remarkable characters brought to public notice and notoriety by the political upheaval of thirty years ago, no one attained to greater fame or secured wider celebrity than "Sockless" Jerry Simpson, of "Maidson Lodge," as the facetious newspaper reporters dubbed him. Jerry was born in the province of New Brunswick in 1842, of Scotch ancestry. His father migrated to the United States when Jerry was a very little boy and settled in the state of Michigan. Although of an alert mind and possessed of a real hunger for knowledge, Jerry's educational opportunities were exceedingly limited. He was illiterate so far as the branches taught in the schools were concerned, but a voracious reader and, endowed with a remarkable memory, he managed to store his mind with more than an ordinary equipment of really good literature, so that he was entitled to be called a well-read man. At the outbreak of the Civil War he enlisted, but served only a few months until discharged for disability. After the close of the war he became a sailor on the great lakes, and gradually rose to the position of captain on a lake freighter, a position which requires a large degree of resourcefulness and courage. During a fearful storm his ship was driven ashore near Ludington and it was largely owing to the masterful courage and coolness of Jerry Simpson that the lives of all the crew were saved.

During the seventies he decided to come to Kansas and settled in Jackson County, where he engaged in farming and stock raising with some success, but concluded that there were better opportunities in the free-range country and came to Barber County along in '83 or '84. It was an unfortunate time to get into the cattle business. He had hardly got fairly started when the terrible winter of '85-86 came on and nearly wiped his herd off the face of the earth. His cows died faster than he could skin them and spring found him nearly broke. He had come to the county with some $10,000.

In 1886 the Union Labor party was organized and the old-time Greenbackers, of whom Jerry was one, promptly joined it. Jerry had already demonstrated some ability as speaker in country lyceums and the like, and his party in Barber County selected him as its candidate for the Legislature. I happened to have the honor of running against him and while I defeated him it was not a victory to blow about.

Two years later he was again a candidate and as that happened to be the year when Kansas rolled up a Republican majority of 82,000, Jerry was buried under the general landslide. There were those who predicted that he would never come back again, but they had no vision of the future. Eighteen eighty-nine was the greatest corn year of all Kansas history, but the price went down until corn sold at ten cents per bushel or less and was burned for fuel all over Kansas. A few years before the people of the state had plunged into debt with a recklessness seldom if ever equaled and now pay day had come and ten-cent corn and forty-cent wheat to pay with. It is not very remarkable that the people saw red, and talked of the altar of Mammon, the great red dragon, and the "crime of 73." The words of the agitator fell on fertile ground. The

Farmers' Alliance spread like a fire on the dry prairie driven by the high wind. Too late the Republican leaders became alarmed and decided that the way to retain power was to get up a platform about as radical as anything suggested by the Alliance and then release the candidate from all party allegiance and authorize him to pay no attention to the party caucus. The concessions only caused derision and jeers on the part of the Alliance men and it was in this frame of mind that Alliance delegates met in the spring of 1890 to nominate a candidate for Congress. Jerry Simpson went to the convention as a delegate, but his name had not been mentioned as a probable candidate. S. M. Scott, of McPherson, the author of a pamphlet on the sub-treasury, was the man to be nominated, but Scott could not get it into his mind that it was possible to overcome the majority of 14,000 rolled up by the Republicans only two years before and pushed the proffered honor aside. Jerry Simpson had been called on to make a speech and caught the crowd. With Scott out of it, the delegates turned to the ex-sailor and nominated him. They builded better than they knew. Under the conditions then prevailing Jerry Simpson was an ideal candidate. He was a good talker, possessed of a ready wit, and with an instinctive and correct appraisement of the value of publicity. A correspondent of the Wichita *Eagle* accused him of wearing no socks. Jerry did not attempt to deny the charge and charged in turn that his opponent, Colonel J. R. Hallowell, wore silk hose. He wove this skillfully into his speeches and roused unbounded enthusiasm by the turn. He confessed his poverty and his audience, carried away with the zeal of crusaders, threw the few dollars they had in their pockets on to the platform to help pay the campaign expenses of their candidate.

Jerry was a good storyteller. His stories were not

new, but an old story well told is often as effective as a brand new one. He covered the Republican platform, adopted at Dodge City, with ridicule and amid howls of delight told the following story: A Jew and an Irishman were crossing a stream in a boat when it occurred to the Irishman that he would convert the Jew. He demanded that the descendant of Abraham renounce his faith and acknowledge the divinity of Christ and the Virgin Mary. The Jew refused, whereupon the Irishman threw him out into the water. He came up choking and sputtering and tried to climb back into the boat, but the Irishman refused to let him in unless he would confess and give up his "dombed hathenism." The Jew still refusing, the Irishman shoved him under again and held him there until he was almost drowned. At last he let him come to the surface gasping and almost speechless. When he was able to talk, seeing no evidence of mercy on the part of the Hibernian he said that he would renounce and confess. "Oim glad to hear that," said the Irishman, "but Oim av the opinion that if iver yez git to land ye dombed sheeney, yez will take it back so Oim goin' to drown yez now and save yure immortal soul." The application was that the Republican party should be killed while it was in a repentant frame of mind.

The result of the election was a surprise even to the most sanguine of Jerry's supporters. A Republican majority of 14,000 was succeeded by a Populist majority of more than 8,000 and Jerry Simpson suddenly found himself one of the most talked of men in the United States. To his credit let it be said that he did not lose his head. In Congress he rapidly acquired polish and was recognized as the leader of his party. His political views broadened; his crudities of speech were mostly abandoned. He held his own in the rough and tumble debates in the lower house and gained favor

with the then speaker of the house, Tom Reed, of Maine. In 1892 he was re-elected, but the Populist party had already passed the crest and was on the decline. His majority of more than 8,000 was reduced to less than 2,000 and two years later was wiped out entirely, when Chester I. Long defeated him by a comfortable majority. In 1896 the free silver issue swept over Kansas and Jerry was elected for the third time, but with the subsidence of that he was defeated and retired from public life. It may be said for him that while he was an original Greenbacker he never was at heart in favor of free and unlimited coinage of silver at the ratio of sixteen to one. Naturally possessed of a keen and logical mind he saw the fallacy of the argument in favor of a fixed ratio between the two metals, but believed in the Greenback theory that there should be no intrinsic value in money.

Jerry was naturally a radical both in politics and religion. Before he became especially interested in politics he was known to his acquaintances as a "free thinker" or infidel. He had accumulated a number of books defending his views, such as Thomas Paine's "Age of Reason," Huxley, and Ingersoll. He loaned them to a family by the name of Jesse to read, but shortly afterward most of the Jesses were converted by an evangelist and decided that the first thing they ought to do was to make a bonfire of Jerry Simpson's books, which they did. Robert Jesse became imbued with the belief that the Almighty had made him immune to hurt from guns and to prove his faith offered any man $100 who would take a shot at him. His neighbors refused to take him at his word and had him incarcerated in the hospital for the insane. In his lake experience Jerry Simpson had learned to be a very fair rough and tumble fighter, although never inclined to quarrel. A burly blacksmith by the name of Corson

became offended at a remark made by Jerry and announced that he intended to whip him and give him a plenty while he was at it. He attacked Jerry without warning, but got the surprise of his life. In less than a minute it was Corson who was whipped, while Jerry had not suffered so much as a scratch. Afterward Corson became one of Jerry's greatest admirers and staunchest political supporters.

It has been a good many years now since Jerry Simpson's body was laid to rest. As the years speed on there is a growing kindliness that honors his memory. He was a man of more than ordinary native ability; a character such as could be produced only in a country of free speech and the open door of opportunity.

Dynamite Dave

A great many people in Kansas and Oklahoma, and for that matter a great many people outside of these two states, have read the remarkable stories which originated in the brain of Dave Leahy. It has been a good many years now since the sympathy of thousands of people was wrought up by the story of a fair-haired child who was so unfortunate as to fall into a bored well out in western Kansas. The mother of the child missed it and began a frantic search, when her attention was attracted to a plaintive cry coming from out of the ground. Then she discovered that her child had fallen down into this bored well. Its body fitted the hole pretty close, which prevented it from slipping down to the bottom. The story went on to state that the neighbors were called in and then began the desperate effort to rescue the child. The men worked by relays day and night, digging down about the pipe. Eastern papers got hold of the story and wired for

particulars. Dave Leahy discovered that he had opened a literary mine, so to speak. It was a valuable space filler and he continued the story. As the frantic rescuers got near the unfortunate little one he permitted it to slip down a few feet, so prolonging the agony and incidentally gathering more financial reward. The child was, according to Dave, finally rescued, little the worse for its thrilling experience.

When John L. Waller was consul to Madagascar he got in bad with the French Government on account of certain timber concessions. He was arrested and brought to France, where he was for a considerable time imprisoned. This suggested to Dave Leahy the story of some Frenchman, whom he reported captured by Oklahoma negroes in revenge for the treatment accorded John L. Waller, a man of their race, by the French Government. The story was that this Frenchman was held in a cave in eastern Oklahoma. The story crossed the ocean and came to the notice of the French Government, which through its department of state took the matter up with our department of state. Our Government knew nothing about the matter, but at the urgent request of the French Government sent a special agent to Oklahoma to investigate. No Frenchman had been kidnapped. There was no organization of negroes and no cave in the locality described in the story. After considerable diplomatic correspondence the French Government was satisfied that no citizen of France had been outraged.

Dave's full name is David Demosthenes Leahy, but a Caldwell jeweler who did not know much about Demosthenes, insisted on dubbing him "Dynamite Dave" and the title stuck. Dave's first location in Kansas was in the town of Caldwell, then one of the wildest towns of the border. He used to tell the story that he got his first job as a grocery clerk and slept

in the store. He made his bed in the front window and when he woke up in the morning and looked out there were three dead men lying in the street and on the sidewalk.

Afterward he went into the newspaper business and established a reputation as a writer. It was in the spring of 1887 that Dave located in Barber County in the town of Kiowa. A corporation had been organized which leased the Kiowa *Herald*, the paper which had been started by Dennis T. Flynn. Dave was employed as editor and manager. He was at that time a rantankerous Democrat and insisted that he should be permitted to run a Democratic paper. His strong Democratic proclivities may be judged from the following notice which appeared in a Republican contemporary under date of June 14, 1887:

"D. D. Leahy is the proud father of a big bouncing boy born to his wife on Wednesday last at Caldwell. 'Dynamite' feels stuck up, of course, but we venture the son doesn't, anyway he won't we know when he learns that his dad has named him Cleveland Thurman. It may be, however, that Mrs. Leahy will have something to say about that and thus save the baby."

Dave's style of writing at that time in controversy with a rival editor was to treat him as "Our Loathed Contemporary." I quote the following references to another Barber County editor: "That unmitigated scoundrel and professional blackleg, the bilious nondescript that runs the ——" In another issue he unburdens himself about the same editor whom, I think, to that time he had never seen, as "The *non compos mentis* journalist; this flagrant blatherskite; this audacious poltroon; this cantankerous jackass; this lunatic at large; this brainless, chicken-eating dude." In another issue he refers to the same loathed contemporary as a

"Brachylurous, besulcanus amphibious boralapus." That I think held the loathed contemporary for a while as he had no idea what Dave meant and Dave not being certain about it either, they just let it go at that.

At that time one Andrew Jackson Jones was county attorney. After his election Jones and his partner entered into a pleasant and profitable arrangement by which they dissolved partnership, although still having an office together. The word was given out that those charged with violations of law, especially the prohibitory law, would find it to their advantage to consult the former partner of the county attorney. Under this arrangement the former partner collected a monthly fee of $25 from each of the jointists in the county and divided with the county attorney. While at that time Dave was violently opposed to the prohibitory law he decided that the county attorney, whom he had never seen, was not playing fair with the Kiowa jointists. Under date of June 14 I quote from a column editorial roasting Jones to a deep rich brown, the following: "Mr. Jones, the county attorney, came down from Medicine Lodge on Monday night last under cover of the midnight darkness to pounce upon some unsuspecting poor wretch that might perchance be dispensing the prohibited fluid in violation of law." Mr. Jones had in fact gone down to see if the "poor wretches" who "might perchance be dispensing the prohibited fluid" were all coming across properly.

Some reader of the *Journal* came the next day to see Dave and told him that Jones had the reputation of being a very "bad man from Kentucky" and that in all probability he would be looking for the editor with a gun. A few days after that a man wearing long and flowing whiskers entered the office.

"My name is Jones, the county attorney. I have observed, Mr. Leahy, that you are getting out a real

true blue Democratic paper. I want to congratulate you, as a loyal and life long Democrat, sir, from Kaintucky. What we need in this country, sir, are editors who will preach the true Democracy, sir. I want to subscribe for twenty-five copies of your paper, sir. Here are the names and I want to pay for them now." Whereupon Jones pulled out a roll of bills and paid for twenty-five subscriptions for a year in advance.

As a result of this unexpected visit I find in the issue of July 31, 1887, the following local mention:

"County Attorney Jones was a caller at our sanctum yesterday and notwithstanding the fact that a little misunderstanding has existed recently between him and the *Herald,* nevertheless he showed no signs of belligerency."

It is only fair to state, however, that the county attorney did not succeed in entirely squaring himself with "Dynamite Dave" as was indicated by the following notice in the issue of August 4, 1887, which read as follows:

"We expect to prove that the operation of a certain statute law has been suspended for a stipulated sum per month, and not only that, but we expect to prove that it is possible for horse thieves and other high-handed villains to escape the penalty of the law for sums of money ranging from $250 up to $1,000, according to the ability of the criminals, their pals and friends to pay."

If the first notice called for twenty-five paid up subscriptions from County Attorney Jones that one ought to have called for at least fifty.

Those who know Dave now may be surprised to learn that he once aspired to dramatic honors. He was a member of the Kiowa Home Dramatic Club which put on the stage the play, "Capitolia, or the Hidden

Hand." Dave took the part of the heavy villain, Black Donald. After the rendition of the play the following brief account of his effort appeared in the *Herald:* "The heavy demoralized, knock-down and drag-out villain of the play was D. D. Leahy, who owing to a serious cold which he tried to drown in brandy and water, could not perform the part so well as if his physical condition had been enjoying its usual boom." This is not up to his usual literary style at that time, which might indicate that he and his cold were still partially submerged at the time it was written.

His stay in Barber County covered a period of only six months, but as a Barber County man remarked, he managed to raise considerable hell for the time he was there.

During the past few years Dave has been content to follow the uneventful and monotonous life of an office holder. I might also say that since his short and stormy sojourn in Barber he has changed his views about everything except religion. He is no longer a Democrat. He is an ardent Prohibitionist and an advocate of woman suffrage. In religion he is still a believer in the infallibility of the Pope and a devoted adherent of the Catholic Church.

Two Frontier Doctors

Along in the middle eighties two physicians settled in the town of Medicine Lodge. One of them, Doctor Meinke, I think was born on foreign soil and talked with a rather pronounced foreign accent. Doctor Dunn was American born. Neither of them was noted in his line, but they had one trait in common: they were investigators and genuinely interested in their profession.

Doctor Meinke was a good-natured, likable sort of man, who made friends readily and soon began to gather up his share of what practice there was in the little frontier town, but it may be said in passing that it was a healthy country and then the inhabitants were accustomed to staying out doors the most of the time, which tended to cut down the business of the doctors. In the course of a minor operation, perhaps treating a carbuncle, Doctor Meinke unfortunately received a scratch on the hand which became infected. He failed to give it the prompt attention he should have done, and at any rate the value of antiseptics was not so well known then as now. The infection spread rapidly until there was a well developed case of blood poisoning, which did not yield to such remedies as were at hand. Within two days the case was beyond control, at least beyond control of the physicians whose services could be obtained, and Meinke with a cheerful courage I have rarely seen equaled, took to his bed and prepared to die.

Apparently without any fear of death, he was deeply interested in the progress of the poison that was spreading through his veins and arteries, and calling for his thermometer, he calmly took his own temperature and with fevered fingers took his racing pulse and noted both on a pad, together with comments on his feelings. When he grew too weak to take his own pulse and temperature he had the attending physician do it for him and take down his statements as to his feelings, such as, "Feel that I am going pretty fast, rising temperature, mouth dry, constriction of muscles of throat, sight seems to be growing dim, fear that I may become delirious—not suffering a great deal of pain." With trembling hand he would sign the record and then rest awhile, then call for a stimulant, and again insist that a record be made of the progress of the malady. Without a murmur of complaint, his failing powers and

faculties centered on the one desire to make a record of the experience of a dying man, he held to his purpose until his voice failed, the pencil fell from his nerveless fingers, and Meinke was dead. So far as I know, this remarkable record was not preserved. Quite possibly it would be of no particular benefit to science if it were, but it always struck me as a unique, courageous, and rather pleasant way to die.

The experience of Doctor Dunn was different but almost as interesting. At that time stockmen were troubled a great deal with the loco weed. This weed, whose botanical name I believe is "Astragalus hornii," grows abundantly on some of the ranges in southwest Kansas. Both cattle and horses learn to like it and when once addicted to the loco habit it is almost as difficult to cure them as it is to wean the confirmed opium eater from his drug. The effect of the weed on the animal is peculiar. It seems to produce a kind of insanity. A locoed horse becomes entirely unmanageable. A cow or steer which gets to be a confirmed loco eater loses its appetite for nourishing food; its hair becomes rough and the eye has the wild look of dementia. Under the influence of the weed the animal seems to lose all sense of proportion. It will imagine that a rope lying on the ground or a small stick is a huge log and will at first refuse to cross it, but if forced to do so will vault high in the air. While cattle may not die as a result of eating the weed, they will not thrive and for practical purposes might as well be dead.

Dr. Dunn became greatly interested in this weed and decided to make some experiments. He procured a number of the plants and boiled them until he had extracted the juices which formed a sort of thick liquor, of about the consistency of Orleans molasses. The doctor, it must be said, had his nerve with him. He did

not experiment on his mother-in-law or his wife or his dog, but drank the decoction himself. I was much interested in the results and regret that I did not at the time make a careful record of them. He told me that at first it did not seem to have much if any effect, but after a time he began to have peculiar sensations. The first sensation, as I now recall, was a burning in his stomach and a racking headache. Then things began to look queer to him. He said that he could understand the feeling of a locoed horse. He lost the sense of proportion. The gypsum hills began to look like lofty mountains and an ordinary cow pony looked larger than an Asiatic elephant. Everything had a distorted, unreal appearance and he felt that he must hold his grip on himself or go mad. After a time the feeling began to wear off and he felt a reaction and great weakness. After a few hours all bad effects seemed to have disappeared and he returned to his normal condition. Just what he had in mind in making this rash experiment I do not know, unless he hoped to discover some antidote for the weed. I never heard that he did this, or even that he carried his experiments any further.

"I can't say," he remarked to me privately, "that I would care to experiment any more, but I have discovered one compensation that might come from being locoed. You know that there isn't much practice around here for a doctor and the fees are light and not many of them. Well while I was under the influence of the loco syrup I took out a dollar bill and bless me if it didn't look like twenty dollars. My philosophy is that it is not so much what you have as what you think you have that counts, and if I could multiply my income by ten, in my mind, by eating loco it might be worth while."

Carrie Nation

It was in the later eighties when the Rev. David Nation came to Medicine Lodge as pastor of the Christian church in the little western town. I may say, advisedly, that David accompanied his wife, Carrie, for at no time during their matrimonial career did David attain to a higher rank than second lieutenant in that household. Carrie, whatever her virtues and whatever her faults, and she had both in a marked degree, was always militant, always dominant, always in evidence. If she was not placed at the head of whatever procession she happened to be in, she organized another procession. I have often watched her and David with interest on their way to church, Carrie marching like a drum major some feet in advance, David bringing up the rear a trifle humped of shoulder and perhaps a bit uncertain of step. "Onward, Christian Soldiers" appealed to her martial nature. Her not unshapely nose tilted at a belligerent angle and when she was engaged, figuratively or actually, in storming the battlements of sin as she understood them, her eyes lit up with the joy of battle and her cheeks flamed with the excitement of conflict. She was possessed of the courage of a crusader and the zeal of a bigot, with a frankness that was delightful when it was not embarrassing.

When her husband, David, took his place in the pulpit, Carrie occupied a pew well to the front and entered into the devotions with a whole-hearted earnestness that imparted itself to the rest of the congregation. In the singing her voice rose above all the others in vibrant and triumphant peans of thanksgiving and praise, for with Carrie Nation religion was no mere matter of form. Others might have doubts; she had none. Prayer might be with other professors of religion largely lip service, but with her it was direct

communication with the Most High and she was as certain as the Hebrew prophets that she received direct revelations and direction from Jehovah on His throne. Withal, however, she was rather practical in her religion. She wearied of droning commonplaces and longed for the stirring call of the bugle and the gleaming banners of the army of the Lord. When David's sermons grew prosy, which was not unusual, Carrie would listen for a few minutes in impatience and then announce in a voice of finality and authority, "That is enough for to-day, David," and it was, for David at least had the wisdom to know where he should get off, when it was pointed out to him in that way.

To those who did not know her well, Carrie seemed astonishingly abrupt at times. Once the late Al Green, formerly well known newspaper writer and for many years traveling correspondent for the Kansas City *Journal*, visited Medicine Lodge for the express purpose of seeing and interviewing Carrie Nation. She did not know he was coming and had never seen him. He was directed to her residence and found her standing at the gate. He introduced himself saying, "My name is Green." Carrie did not ask what his business was or why he wanted to see her, but as her first salutation asked: "Are you a Christian?" The suddenness and unexpectedness of it rather knocked him off his mental balance, but he landed on his feet and replied: "For the purpose of this occasion Mrs. Nation we will assume that I am."

The whisky joint was her special aversion and long before she became famous she was a thorn in the flesh of the officers who failed to do their duty under the law and fearlessly tackled the joint keepers themselves when she had the opportunity. Joints flourished to some extent in the town of Medicine Lodge, but in the border town of Kiowa, they were openly encouraged

and protected by the city authorities and apparently regarded with approval by a majority of the citizens. Carrie Nation declared that the Lord appeared to her in a dream or vision and told her that it was her duty to go to Kiowa and break up these dens of iniquity. So Carrie went.

Apparently, the Lord had not suggested the utility of the hatchet at that time, as Carrie went to Kiowa armed as David when he went forth to put the fixings on the giant, Goliath, except that Carrie had no sling. She had, however, an apronful of stones of convenient size and roughness, and with these she marched into the leading booze dispensary and immediately went into action. Probably her aim was not very accurate, for she threw overhand and wildly, after the manner of women, but then the bar extended from one end of the room almost to the other, and a rock heaved in that general direction was bound to hit something. It was immaterial whether it struck what Carrie aimed at or a bottle or mirror at the other end of the building, the wreck and destruction was just as great. The city marshal ran in to quell the disturbance, and what Carrie said to him was indeed a plenty, for with her other gifts and accomplishments she had an extensive and virile vocabulary. She was not arrested for this first raid, as I recall, and her purpose was strengthened to go forth alone, if need be, to storm the battlements of sin.

Whether it was the result of another revelation or the suggestion of a friend, or the prompting of a practical mind I do not know, but probably it occurred to her that she could do more execution with a hatchet than with stones, and furthermore a hatchet would be easier to conceal. Her next raid was in the city of Wichita, where there were gilded saloons in those days protected by the police, in consideration of which they

contributed a good many thousand dollars every month to the city treasury. Carrie made her debut as a smasher in the "Windy City" on the Arkansas, by breaking a large mirror and a number of bottles and other glassware in the largest saloon. She was arrested and thrown into the city jail, but as soon as she could get out went on her way smashing as she went. It was some time before she visited Topeka and wrecked a joint there. She was again arrested and thrown into jail, but her work was having an effect on the public mind.

It so happened that at one time Carrie Nation and a little woman by the name of Blanche Boise were both in jail charged with disturbing the peace because they had broken windows and otherwise damaged places where booze was unlawfully sold, while joint keepers were plying their unlawful business unmolested by the officers of the law. There is a certain love of fair play in the mind of the average American, and this revolted at the transparent injustice of punishing a couple of weak women, while joint keepers were permitted to sell their poison contrary to law and go unmolested.

I have often heard it said that Carrie Nation was simply a seeker after notoriety. I want to say that the charge was not true. It is quite possible that after her fame became world-wide and the name of Carrie Nation was known all 'round the globe, she grew to enjoy the limelight and publicity, but from the very beginning she was actuated by an honest and courageous purpose. She was a fanatic, mistaken, I think, in her methods of operation, but, spurred on by the zeal of a martyr, she would have gone smiling to the stake and lifted up her voice in triumphant song as she stood amid the flames.

I have said that she was a woman of pronounced faults and pronounced virtues, but her good qualities far outweighed her faults. She was generous to a

fault, and always ready to help the needy and afflicted. She would have smashed a joint until it was an utter wreck, but if the next day she had found the joint keeper in want or sickness, she would have nursed him back to health and given of her substance to feed him and his family. How much Carrie Nation had to do with stirring up the prohibition sentiment in the country, which grew in volume, until it swept the nation, cannot, of course, be determined, but that her unique methods and personality and her indomitable courage and energy had an effect on public sentiment, there can be no question.

The Discomfited Hypnotist

Along in the middle eighties Medicine Lodge grew ambitious to have a hotel that would be a credit to the town. The railroad was building in and the expectation was that there would be a boom. A stock company was organized and a three-story brick hotel was erected that was regarded with pride by the inhabitants. Among the landlords that ran the hotel during the next few years was one Mortimer Strong, commonly known as Mort Strong. Mort's idea about running a hotel was not to let the guest take any more money away than could be helped. If he had more mazuma than was necessary to pay for his food and lodging, if he had any sporting tendency, and most travelers in that part of Kansas at that time did have more or less sporting tendencies, he was inveigled into a game of draw poker, and as the game was put up against him, his skin was removed with deftness, but not necessarily with dispatch. It was not always to the interest of the hotel to separate the guest from his coin at the first sitting. That sort of abrupt procedure was liable to discourage the guest and arouse suspicions in his

mind; besides, if the sessions about the card table could be prolonged for two or three evenings, the hotel bill increased in proportion. Mort was not the kind of a person to conceal from his right hand what his left hand was doing. Suffice it to say that the stranger within the gates who stopped at the Grand Hotel rarely got away until he had been skinned in a workmanlike and thorough manner.

Mort Strong was a versatile soul who enjoyed a practical joke almost as well as he enjoyed putting up a hand in a poker game. I might say here that Mortimer also ran a hotel in Medicine before the Grand was built. I am not entirely positive whether the incident about to be related occurred in the old hotel or the new, but think it was in the new. The Kansas City *Star* at that time had a descendant of Abraham as its subscription solicitor in southwest Kansas and in the course of his travels the young Jew landed at Medicine Lodge.

He was unfamiliar with the ways of the border and full of conversation. It was not long until Mort Strong and the loafers who congregated about the hotel discovered that here was a most promising subject for contribution to their joy of life. He happened to remark that he was interested in the subject of hypnotism and had studied and practiced it to a considerable extent. Immediately the crowd was interested. Some of them scoffed at the possibility that the *Star* representative was able to hypnotize anybody, but others warmly championed him. The controversy even grew personal and bitter, but it was finally proposed to settle the question by having the Israelite try his powers on a subject. He was willing, but said of course he wasn't a regular professional and maybe couldn't put the subject under the influence of the hypnotic spell, but he was willing to try. The subject was found in the son

of the hotel keeper, Mort Strong. Frank Strong was a man grown, a large stalwart man. He expressed doubt about the ability of any Jew to put him to sleep but was willing to let him try.

Before the experiment commenced young Strong put something in his mouth which when chewed gently and mingled with saliva would create a sort of lather. The Jew commenced to make passes at young Strong and talk to him in a commanding and at the same time soothing tone of voice: "You vas goin' to schleep now. Go to schleep. Go to schleep!"

The effect was satisfactory beyond the hypnotist's most sanguine expectations. Young Strong's eyes closed. He fell back on the couch and seemed to be wrapped in profound slumber. The Jew was delighted. "You see, gentlemens, he vas schleepin' shust like a leedle babe," he said. Just then something happened that he had not counted on. Young Strong began to foam at the mouth. The elder Strong at once became apprehensive. "What's the matter with him, young feller?" he yelled at the frightened Jew. "Get him from under this hypnotic spell of yours and get him out of it d—n quick or there will be something doing, believe me."

The Jew began frantically to make passes at the apparently unconscious man and call on him to "vake up," but the more he worked the more young Strong foamed at the mouth. The fury of Mort Strong grew apace. He was restrained from making a bodily attack on the amateur hypnotist only by the combined effort of several of the loafers, who begged of him not to kill the Jew because nobody else around there would have any idea how the young man could be brought out of the trance. Meantime the consternation of the Jew increased. Great drops of sweat stood out on his forehead, as he called pleadingly but with no effect for

young Strong to "vake up." Apparently the condition of the sleeping man was growing worse. His breathing became labored and the foam from his mouth flecked his lips and ran from the corners of his mouth.

It was well along in the evening, near bed time when the experiment was undertaken; by midnight the excitement had reached fever heat. Mort Strong was heaping imprecations on the young Israelite and declaring that unless his boy was brought out of the trance he would kill the man who had put him under the spell. Finally he declared that he wouldn't stand it any longer and swearing vengeance rushed out of the room.

"Mort has gone for his gun!" one of the loafers, who had exerted himself to save the Jew from assault at the hands of the grief-crazed father, whispered to the Jew. "If you are here when he comes back I can't save you. You had better make your getaway now. Head south for Kiowa. I will try to keep him from following you. There is a train leaves Kiowa early in the morning. It's not quite twenty miles from here. If you hit the grit fast enough you ought to be able to make it before that train pulls out."

It seemed to the Jew to be good advice. He grabbed his hat and coat and faded rapidly into the night heading for Kiowa twenty miles away. It was a sore-footed and wearied man who limped into the Kiowa depot at an early hour the next morning, but he was reasonably happy, for he hadn't been followed and he had caught the train.

The Story of a Bank Wrecker

About the year 1868 or 1869 there came to the new state of Kansas a young man possessed, according to his own statement, of $4,000, coupled with marvelous

nerve, unbounded ambition, and unhandicapped in his dreams of exploitation by scruples suggested by a tender conscience. J. S. Danford, the young man in question, located in the new town of El Dorado, and founded the Walnut Valley *Times*, taking in Col. Bent Murdock as a partner and afterward selling out his interest to the latter.

The banking business offered a more inviting field for a man of the tastes and ambitious of Danford than a newspaper in a small town, so he blossomed out as a banker. Fortune smiled on him. His bank paid enormous dividends. He was a man of pleasing address, pleasing manners, and constantly increasing popularity. He took a hand in politics and was the valued adviser of senatorial candidates. At one time he enjoyed the reputation of being the most popular banker in the state. From El Dorado he moved to Osage City, then enjoying a boom on account of the discovery of coal. Senator Plumb was one of the principal stockholders in the new venture, and men of lesser note were glad to hold blocks of the bank's capitalization. The game seemed easy and Danford began to establish banks at various points. Carbondale was a small side issue. Larger banks were established at the border towns of Caldwell, Hunnewell, and Arkansas City. With accumulating prosperity, acquaintance, and power, Danford became a lavish spender. Wine, women, and song called for extensive expenditures and the stock market made drains on his revenues.

It was about 1880, or 1881 that his banks began to get in bad repute. At that time there was no state banking department and the bank wrecker had easy sailing. Still Danford was not ready to scuttle and leave. He was trying, like the skillful vaudeville artist who keeps a half dozen balls in the air at the same time, to keep his several banks running until he could unload

them on somebody else, as he had done in some cases already, or, failing in that, get the assets in shape so that he could realize on them and make his getaway in safety.

He gathered up a bunch of his best appearing securities and went to St. Louis, with the intention of securing a loan of currency to tide him over, but failed and decided that there must be a receivership. On his way home he secured the services of Captain Joe Waters, still a leading attorney, orator, and poet at the ripe age of eighty-three, John Martin, afterward United States senator, now dead, and Ellis Lewis, leading attorney of Osage City. In a conference which lasted until midnight it was agreed that Major Calvin Hood, of Emporia, should be selected as receiver and that Captain Waters should go with Danford to Osage City, Carbondale, and on to Wellington for the purpose of making the settlement.

To the last Danford played his game magnificently. He was no piker. He hired a special train to take him and his attorneys on their journey. At Wellington Danford and Captain Waters stopped at the Phillips House, the best hotel in the town, and there Captain Waters confesses that he began to realize the seriousness of the situation and that he was along rather as a rear guard than as legal advisor. It may be that Danford himself did not realize until he got there, just what he had to face. So far his luck had never forsaken him. He had always been able to make men believe in him. He was a born confidence man, and artist of superior ability. He, too, had plenty of sporting blood in his veins. It may be that even if he had known that the rough, weatherbeaten men of the cattle ranges who had deposited in his banks, were ready now to mob him, he would still have dared to face them and take the chance of mastering them by his cool assurance

and plausible promises. At any rate, once in the danger zone he displayed a coolness probably never excelled and which excited a degree of admiration even among the men who had gathered to hang him. Captain Waters, although there was no reason why the depositors should desire his execution, confesses that he was filled with greater fear and trepidation than Danford displayed even when death seemed to be staring him in the face and his earthly pilgrimage apparently limited to a few brief and fleeting minutes.

The cowboys whose money had gone into the Caldwell "Drovers Bank" were gathering at the Phillips House in increasing numbers. The guns they were carrying were in evidence on every hip, but as Captain Waters says, the most ominous thing was the number of long, supple lariats the men were carrying, when there was not a steer to be roped within twenty miles. These men from the range found Danford and interviewed him. They were hot, angry, threatening. Danford was cool as an Arctic icicle. One cowboy complained that he had lost all his hard-earned wages in the bank, $1,800 in all. Danford coolly tossed him a $20 gold piece, with the remark that that would supply his immediate wants. The depositors from the range demanded that Danford go to Caldwell and settle up with them, and although he must have known that it was like placing his head in the lion's mouth or his neck in the lariat noose, Danford agreed to go. They proposed to haul him from Wellington to Caldwell in a wagon, but with magnificent nerve he proposed to charter a train and take all of the party down at his expense, and in this state he rode into the border town.

Along with him went two more of his attorneys, Judge Campbell, of Wichita, known in those days as "Tiger Bill," and J. W. Haughey. The presence of the lawyers seemed to irk the crowd of men, who were

bent on either getting their money or hanging Danford. The lawyers might, in some way, interfere with the proceedings. They were told that the space of ten minutes would be given them to get out of town and that there was a freight going north within that time.

"You are prodigal of time, gentlemen," said "Tiger Bill," "unless my estimate of the distance to the depot is at fault. I will return to you five of the golden minutes you have so generously donated in which to make our exodus."

Danford, the bank wrecker, faced the mob without legal counsel, but with magnificent courage. Looking the leaders of the angry mob square in their eyes, he told them, with as much apparent confidence as if he had been telling the truth.

"Gentlemen, I have plenty of assets to pay every dollar of my indebtedness. If the assets of these banks are insufficient, I shall have recourse to my private fortune to pay you in full. If that is insufficient, I will give my body to be divided between you to square the debt."

At this point a lean-visaged and squeaky-voiced man from the range, who was standing well back in the crowd, piped up eagerly: "I speak for a part of his gall."

But for once his assurance had failed. He had not satisfied the crowd, which seemed to be growing rather more clamorous for his life. Yet his self-possession did not forsake him for a moment. A local preacher came forward and offered to pray for the man he supposed was doomed to die, but Danford would have none of it. "If you can make a prayer that will influence that mob not to hang me, make it damned quick, but otherwise don't waste your prayer. If I am to hang, I will settle with the Almighty my own way."

Danford stepped back into the bank and then there came to his rescue his wife, a woman of queenly pres-

ence and remarkable ability. As cool as her husband, she saved the life of the man who did not deserve her love or confidence. Standing quietly before the angered crowd, she immediately picked the leader and addressed herself to him.

"You are a brave man and a man of sense," she said, "otherwise you would not be a leader of men."

It was a center shot. It appealed strongly to the vanity of the leader in the only way he could have been appealed to. If she had called him a good man or even an honest man, it would not have touched him, but to be called a leader of men—that was the highest compliment that could be paid to a man of the range. She continued:

"What good will it do you to hang my husband? If you let him live he will pay you, but if you hang him you make me a widow, but get nothing for yourselves."

The leader hesitated and she knew she had won, and her husband would not die that night.

"Let me go in and talk with him, boys," said the leader. "Maybe we can make him dig up the money, and that is all we want."

He went into the bank. Danford was smoking as coolly as if the mob outside was a pleasant serenading party instead of men bent on taking his life.

"What have you to offer, Danford?" asked the leader. "The boys are getting a trifle impatient."

"So I perceive," said Danford, as he blew a ring of smoke in the air. "Well, here is a list of my assets. I will collect them and turn them over to you, but if you hang me you won't get a damned cent."

Nerve and a woman's tact and judgment of men had won. The mob, at the suggestion of the leader, dispersed. Danford went on his way a free man—and the depositors lost their money.

I am indebted to Captain Waters, Danford's attorney, for the following summing up of his subsequent career and character:

"His career since then has been a pilgrimage of bank looting in Chicago, Kentucky, Oregon, and other precincts not heard from. He was a born Apache. His methods were his own. He took no one into his confidence. If living, he still practices his unconquered bluff, and if dead, the celestial bank examiner will need to be on the eternal watch to prevent him from escaping from hell, climbing up to heaven the back way, and inducing the saints in the choir to exchange their golden crowns for stock which he would propose to organize in the New Jerusalem.

"He only lacked a biographer to make him a classic. He convulsed the state for a while and rose to a prominent place in the ranks of frenzied finance; yet, it is remarkable, after the lapse of only thirty-nine years, how few recollect the incidents of his magnificent rise or the marvelous nerve of his spectacular fall."

Dennis T. Flynn

About the middle of June, 1884, a young Irishman who had been an office boy in the law office of Grover Cleveland, in Buffalo, and while there had picked up some knowledge of law, and who had somewhere learned something of the printers' trade, landed in Barber County, bringing with him a Washington hand press and a few fonts of type. It was Dennis T. Flynn, breezy and self-confident and acting on the principle that the world was his oyster and all that was necessary for him to do was to open it.

The Santa Fe was getting ready to extend its lines into the Panhandle of Texas, but there was reason to believe that the extension would be halted at the state line, where a town would be built to accommodate the

cattle men who ranged their herds on the Cherokee strip and the lands to the south. Back in the early seventies a little trading post had been established some eighteen miles south of Medicine Lodge and about three miles from the state line, named Kiowa. In the year 1884 it was no larger than ten years before. There were a few log and cottonwood shanties, one of them occupied as a general supply store. There was also a drug store, with all that that implied in southwest Kansas and a rambling log building used as a hotel. The proprietress of this hostelry was Mrs. Ada Chatham, who had married a brilliant but dissipated newspaper writer, Jim Chatham, who neglected and finally compelled his wife to shift for herself and child. It may be said to her credit that she not only made a success financially of the hotel business in the little frontier hamlet, but retained the respect of every cowboy and cattleman who patronized the log hotel. Her customers came from all over the range from the Arkansas River on the north to the Red River on the south, rough, bronzed men, but men who had a chivalrous regard for a woman who was possessed of virtue and tact, and Mrs. Chatham was endowed with both.

When Dennis Flynn landed in old Kiowa the only place available for a newspaper office and printshop was a cottonwood shanty. One needs to have seen a cottonwood shanty that had stood the strenuous Kansas weather for six or seven or maybe ten years, to appreciate what this building was like. It used to be told of a Medicine Lodge carpenter who was a man of great deliberation, that on one occasion he got hold of a cottonwood plank to be used for flooring, and while he was considering how he would put it down the board warped round him and held him fast until another carpenter came to his rescue and sawed him out. It was also claimed that when a corpse was laid on a

green cottonwood plank and placed tenderly out in the Kansas sunlight, in two hours the plank would wrap itself round the body of the dead and serve the double purpose of a coffin and a winding sheet.

The building in which Dennis Flynn set up his print-shop had been, as I have said, exposed to the weather for several years. The door had warped itself loose from the hinges, the window casing had warped away from the sash, and the weather boarding had pulled the nails that fastened it to the studding. It was necessary occasionally for the editor and compositor to lay down his rule and shoo the cows out of the shop when they wandered in, impelled by bovine curiosity. The wind, blowing freely through the cracks between the weather boards, mingled sand, dust, tumble weeds, and prairie fuel with the type in the cases, and caused the editor to exclaim in bitterness of spirit that life was just one damn thing after another.

On June 26, 1884, under these discouraging conditions, the future congressman got out the first issue of the Kiowa *Herald* and announced the editorial policy as follows: "The *Herald* chooses to be recognized as an independent paper devoted to no particular political or religious party." Three weeks afterward the *Herald* placed the names of Blaine and Logan at the head of its editorial column. The railroad missed the old town by three miles and the town of New Kiowa was born. The *Herald* was moved to the new town and in one of the first issues afterward I find this significant local item: "Mrs. Ada Chatham has opened a hotel. It is easy to guess who will get the trade." It was evident that the susceptible heart of the Irish editor was enmeshed and not very long afterward Mrs. Ada Chatham became Mrs. Dennis T. Flynn.

Perhaps it is not out of place here to leave Dennis for a little space and speak of a matter of interest in

connection with the widow Chatham, now many years Mrs. Dennis Flynn. By her first marriage she had a daughter, dark eyed and black haired as a gypsy maid. There was a strain of Indian blood in the Chathams which showed in little Dorothy, better known as Dot. Years later, when her stepfather became distinguished, Dot became a Washington belle.

In 1889 the fortunes of Dennis Flynn had fallen to a rather low ebb. Investments in the new town had not proved as profitable as was expected, and Dennis was having an uphill pull. President Harrison had issued his proclamation opening old Oklahoma to settlement and fixing the day for the opening. It was known that the temporary capital of the new territory would be located at Guthrie, a town yet to be built. The suggestion was made to Dennis Flynn that he should go to Washington, see Congressman Peters of the Seventh Kansas district and get the appointment as postmaster for the new town. He fell in with the idea, but offered the objection that it was a long way to walk to Washington and he had not the price of a railroad ticket. A friend offered to lend him the money. Dennis went to Washington, came back with the appointment, and went to Guthrie at the opening as postmaster. There was no building and no facilities for handling the mail, which poured in by the carload. A tent was erected, a force of clerks organized, and the mail was sorted on the ground. It is remarkable that this community of full 10,000 people, brought together from all parts of the United States, made up of all nationalities and speaking all kinds of languages, was so efficiently served that there was almost no complaint about the postoffice. That was the beginning of the career of Dennis Flynn in Oklahoma. Two years afterward he decided that he would like to be a delegate to Congress. He was still poor and another Kansas friend financed

his campaign. The loan was paid back in monthly installments out of his salary after his election.

As a delegate in Congress, Dennis Flynn attracted more attention and wielded more influence than any other delegate in that body. He developed a taking style of speaking that went especially well with the settlers in the new territory. When the Cherokee strip was opened, the land had to be paid for by the settlers. The argument for this was that the Government had to buy the land from the Indians. Flynn introduced and had passed the "Free Homes" bill, which relieved the settlers from their payments and gave them their homes on the same terms as homesteaders in other parts of the United States.

With the bringing in of the state of Oklahoma, including all of the old Indian Territory, the state became hopelessly Democratic and Dennis went out of politics. But he had developed into as successful a business man as he was a politician and to-day he is rated as a millionaire. *Tempora mutantur.* There was a time when I paid him $5 for an advertisement and he acknowledged to me that the coloring and designs on that bill looked far more beautiful to him than any of the paintings by the old masters.

A Populist Judge

When the Farmers' Alliance movement swept over Kansas the leaders determined that it was necessary to get control of the courts, and for that purpose Alliance conventions were held in most of the judicial districts to nominate candidates. The convention to nominate a candidate for judge for the district composed of the counties of Harper and Barber was held at the town of Attica. A tent had to be provided, for the reason

that there was no building in the little town with sufficient capacity to accommodate half the crowd.

Mrs. Mary Elizabeth Lease was the woman orator of the day. She was then in her prime and heyday of her popularity. I say without hesitation that of all the women speakers I have ever listened to, Mrs. Lease led all the rest in oratorical power. I will go further and say that I have never heard a man who could so sway an audience. She was a woman of striking presence, tall, not exactly handsome, but attractive in appearance. Nature endowed her with a voice of wonderful volume and carrying power. If you had not known that it was a woman speaking you would not have guessed it from her voice, which was a deep baritone, and yet sweet and clear as the notes of a deep-toned bell. She was giving her impassioned advice to the assembled Alliance delegates to raise less corn and more hell, and before she had finished ninety per cent of her auditors were ready to follow her advice. If she had suggested that they proceed to hang the nearest banker, I think the rope would have been furnished and, with some fanatical leader to direct, they would have proceeded to elevate the unfortunate money loaner into the atmosphere. As a curtain-raiser on that occasion "Iron Jaw Brown" also made the welkin ring for about three-quarters of an hour. Never to my knowledge having seen a "welkin" I am a bit hazy about what is required to make one ring, but I am confident that if there were any welkins around in that vicinity on that occasion they must have rung when "Iron Jaw" turned himself loose.

The Alliance was rather short on lawyers at that time; in fact I think the rules of the order precluded the admission of anyone to membership who made the practice of the law his profession or business. It was not considered necessary, however, to have a lawyer

for judge. What they wanted was a man who would sit on the bench and deal out justice without regard to established precedents or the technicalities of the law.

One of the things that Mrs. Lease sought to impress upon the minds of her hearers was that farm mortgages ought to be summarily wiped out. They were, as she dramatically explained, the chains that had been forged by the money power to bind the limbs of the toiling masses.

Living on his claim near Attica, was a blond little man with long and flowing whiskers, by the name of George Washington McKay. It was claimed that at some time in the past he had attended a course of law lectures in Chicago, but if he had most of the knowledge of law he may have acquired had evaporated and his last name might have been fittingly changed to Necessity because he knew no law. Who suggested to him that he ought to be a candidate for judicial honors I do not know. I do not think more than half a dozen of the delegates to the convention had ever heard of him, but his name was sprung on the convention at the psychological moment, and I may say in passing that those were the times when psychological moments counted. So George W. McKay was nominated for the important office of judge of the district court and triumphantly elected. While at the time of his election he was utterly ignorant of court procedure and hardly possessed of even a smattering knowledge of law, it should be said for George W. McKay that he was very far from being a fool. During the eight years he sat upon the bench he acquired a fair knowledge of law and in all cases where his political prejudices did not interfere with his judgment, he came to be a fairly good judge.

I have spoken of him as a little man, in that he was short in stature. Nature had been generous with him

in the matter of body, but parsimonious in the matter of legs. In other words he had a body long enough for a tall man and legs rather too abbreviated for even a short man. He always wore when on the bench a long frock coat, which accentuated the length of his body and the shortness of his lower limbs. In those days the walks of Medicine Lodge were in bad repair. They were board walks, not well laid in the first place and badly warped by the fierce suns of southern Kansas. At the first term of court after Judge McKay's election, a Medicine Lodger was seen out with his hammer busily engaged in driving down the nails in the sidewalk that led to the courthouse. Asked why this sudden exhibition of industry and desire for municipal improvement, he said: "Well, I just saw the new judge, and said to myself, if these here nails are left stickin' up along this sidewalk they will sure play thunder with the seat of his pants. As a loyal citizen I have respect for the court, and so seein' that nobody else will do it, I just decided that I would hammer them down."

For a time after he went on the bench the new judge seemed to go on the theory that the supreme court of the state was not entitled to any particular consideration and that he was not subject to its jurisdiction, but after being jolted once or twice he abandoned that idea. During the time he was on the bench he adhered strictly to only one of the theories on which he was elected. He insisted that there should be no personal judgments left over after the sale of land under mortgage foreclosure. He would refuse to confirm the sale unless the sale of the land satisfied the mortgage. Theoretically there seemed to be considerable justice in this, but in practice it worked out mostly to the advantage of the sheriff, who received commissions on the amount for which the land sold at sheriff's sale. In Barber County it happened that the sheriff during the time when

mortgage foreclosures were most abundant was a Republican, who profited to the extent of several hundred dollars by the ruling of the Populist judge.

During McKay's term of office the boundaries of his district were changed and the counties of Kingman and Pratt added. With experience he became more conservative, less radical, and also a much better lawyer. His integrity, so far as I know, was never questioned and during the later years of his service on the bench there was little complaint about his rulings or the manner in which he conducted the business of the court.

The Stinger Stung

One day in the later eighties a man of decidedly bucolic appearance walked into one of the fashionable New York hotels and registered as Benjamin Ashley, of Abilene, Kansas. He wore ill-fitting, ready-made garments such as were in that day sold in frontier towns. His head was covered with the broad-brimmed white hat characteristic of the cattle country, and his face and hands were tanned and seamed by the winds of the prairie. He was apparently unused to city ways but seemed to be well supplied with cash. He notified the hotel clerk that he was in New York to have his eyes doctored and that later he intended to go to London where he could obtain the services of some distinguished oculist he had read about. He gave out the information that he had a big ranch out in Kansas and a lot of cattle, and had been mostly raised in the saddle. He also looked the part. His lower limbs had the parenthetical curve acquired by long sitting astride a horse and his walk was the gait of the typical cow man.

He had some peculiar habits. One was to get up

every morning at what to New Yorkers seemed an unearthly hour and take a ride on horseback. On these rides he used his well-worn rawhide bridle and Mexican saddle. Most of the rest of the day, except when he went ostensibly to call on his physician, he loafed about the hotel, picking up such acquaintances as he could after the free and friendly habit of the West. He was a reasonably free spender and not averse at all to standing treat, but so far as he was personally concerned he did not indulge to any considerable extent in "high balls" or any form of spirituous liquor, contenting himself almost always with a lemonade or vichy.

One day the hotel clerk observed the mild mannered man from the West strolling through the hotel lobby in company with a young man whose face was well known to the regular promenaders on Broadway. This young man was always faultlessly dressed, clean shaven, of prominent features and good manners. He had a keen, glittering eye and peculiarly thin, tightly compressed lips. With his new-found friend, the weak-eyed and guileless child of the prairies, this young man sat for some time in the bar room of the hotel. It was noticed, too, that at the urgent invitation of the thin-lipped young man Mr. Ashley forsook his usual abstemious habits and partook rather freely of champagne—at the expense of the young man.

When the well-dressed New Yorker had departed, the hotel clerk called the Westerner and asked, "Mr. Ashley, how long since you have been in New York?"

"Near eight year," replied Ashley, "never was here afore that and ain't never been here since till now."

"Do you know the man who just left you?"

"Yes, met him two nights ago at the Madison Square Garden. I couldn't buy a seat and he offered me one of his; said his friend hadn't come and he would be glad to accommodate a stranger, so him and me sat

there together, talkin' and watchin' the sights. He seems to be a mighty nice sort of a feller."

"I have no doubt of that," said the clerk, with an air of superior wisdom and hardly suppressed sarcasm. "That young man is 'Hungry Joe,' one of the most noted confidence men in America!"

"You don't say so?" drawled the Westerner. "Well, I'll be doggoned! Who'd a thought it? Why he is about the most friendly feller I have met in this man's town. Offered to show me 'round and set up the fizz water and put himself out of the way to make things pleasant for me. You must surely be mistaken about him bein' one of these here confidence men."

Then Mr. Ashley strolled away, looking thoughtful. That evening after dinner "Hungry Joe" called for Mr. Ashley. As they came through the office the weak-eyed man from Kansas took from an inside pocket a large wallet from which he extracted about $500 in bills and deposited the wallet with the rest of its contents with the hotel. "Hungry Joe" watched the proceeding with passive face but gleaming eye, and the two went away together. "Another sucker to be taken in," mused the hotel clerk as he looked after the pair. It was nearly morning when Mr. Ashley returned to the hotel; just in time, in fact, to take his usual early morning ride. When he returned he drew another $200 and started out again.

"I have warned you, Mr. Ashley," said the wise clerk from behind his immaculate shirt front and gleaming diamond. "It is your own fault if 'Hungry Joe' trims you."

It was a little after midnight when the ranchman returned and deposited $300 with the clerk, remarking that these New Yorkers might be stiff on bunco, but they were a little behind the times on draw poker.

"Out in my country," he said with a swagger, "two deuces and a bowie will open a jack pot every time."

For several days after this Mr. Ashley passed the time in comparative seclusion and quiet. Then he yielded again to the seductions of the well dressed young man with the thin lips. In a day or two he drew $1,000 from the hotel safe and seemed annoyed when the clerk again reminded him that he had warned him.

"No game ever fazed me yet," he said doggedly. "A man who kin hold his end up with them Kansas cowmen isn't goin' to be bested by any of these here durned broadcloth fellers in New York."

"It's no use," mused the clerk after Ashley had gone. "You are wasting your breath trying to save these country rubes. Might as well let them be skinned first as last."

The next day Ashley came back for another thousand and later for $850 more.

"It's no use, no use," sighed the clerk. "There is one born every minute."

That afternoon the weak-eyed Westerner went for a ride with "Hungry Joe." His face had been sad all morning, but it was noticed on his return that he seemed somewhat brighter.

In the evening "Hungry Joe" and two of his well-known fellow confidence men spent several hours with Mr. Ashley, whose weak eyes made it necessary that he keep his broad hat pulled well down over his forehead. When the three men went away a close observer might have noticed the shadow of a smile playing about the mouth of Mr. Ashley. Straight from the table where they had had the long conference, the three men went to the telegraph office and sent the following message:

Postmaster, Abilene, Kansas:
Do you know Benjamin Ashley, cattle raiser? Telegraph full particulars at my expense.

R. Dickson,
Brower House, New York.

When the reply came it evidently was in all respects satisfactory, and within two days Mr. Ashley received a visit from the three confidence men and a lawyer. The head porter of the hotel was called up into the room after the visitors had been there an hour or more and requested to append his signature to a certain document as a witness. This done, a large sum of money was paid over to Mr. Ashley by "Hungry Joe" and the weak-eyed, mild-mannered Westerner deposited $14,000 cold cash with the hotel clerk, to whom he explained that he had sold a half interest in his Kansas ranch to his new found friend, who wished to retire from city life.

A couple of days later Mr. Ashley took passage for Liverpool on one of the passenger liners and was "seen off" by his New York friends in the most approved style. They toasted him in "yellow label" and even presented him with a basket of flowers. The crude Westerner was almost overcome by the attention and told them he would soon return and have more good times with them.

It was just eleven days after this sailing that a tall, slender, pale-faced gentleman entered the hotel, accompanied by numerous steamer trunks, steamer chairs, and other impedimenta of ocean travel. He signed the register "Benjamin Ashley, London, England," in a handwriting that was rather strikingly similar to that of the Mr. Ashley who had sailed eleven days before. The clerk who had been bending over the register looked at the tall, slender, well groomed stranger in amazement which was increased as he noted that his speech, like that of the other Ashley, had a sort of Americanized English accent. In a sort of daze he assigned him a room and that evening saw to it that the full name and address of Benjamin Ashley was published among the list of arrivals from abroad.

As he expected, the first caller in the morning was

"Hungry Joe," who sent up his card with the request to see Mr. Ashley. The word was brought back that Mr. Ashley would see him in the drawing room. When the tall, slender pale Englishman entered the drawing room, "Hungry Joe" was seated in a large arm chair. He merely glanced at the stranger and then looked away. Mr. Ashley, seeing no one else in the room, advanced to where "Hungry Joe" was sitting and courteously asked: "Were you wanting to see me, sir? I am Mr. Ashley."

"Eh?" queried the confidence man with a startled look. "You are not Mr. Benjamin Ashley?"

"Precisely," answered the Englishman.

"Not of Kansas?"

"Yes, of Abilene, Kansas. How can I serve you?"

The thin lips of the confidence man went white. He surveyed the tall Englishman in a dazed fashion for a few moments and then asked:

"Do you own a large cattle ranch thirty-five miles south of Abilene?"

"I believe so. Why do you ask?"

"Been to Europe to have your eyes doctored?"

"Yes. I have been abroad four months; but, my young friend, these questions are rather odd, don't you know. Please explain yourself."

"Odd," almost shouted the thin lipped confidence man. "Well I should think they are. If you are Benjamin Ashley, and if you do own that ranch, the cleverest man in the country has given me a deal, that's all. Why it isn't two weeks since I and two friends bought a half interest in that ranch and by —— the man who sold us stopped at this same hotel."

Mr. Ashley seemed to be astonished at this information and called the clerk, who gave a careful description of the other Mr. Ashley. "Hungry Joe" told how he had won some $3,250 at cards from this pretended

Ashley, who said he was on his way to Europe to have his eyes treated. He had represented himself as the owner of the Ashley ranch and at his request the confidence man had telegraphed the postmaster at Abilene, who had replied, giving detailed description of the ranch and estimating its value at fully $50,000 and had added that Mr. Ashley had gone abroad for medical treatment. The other Ashley had represented that he wanted to make certain expenditures in Europe but on account of his losses at cards he could not do it unless he could sell an interest in his Kansas ranch. He had produced deeds to establish his title, which had satisfied even the lawyers, and "Hungry Joe" and his pals, thinking here was a chance to get at least $25,000 worth of property for $14,000, had raised the money among them.

"Really," observed the Englishman, "I am sorry for you. You have undoubtedly been swindled. I will not have the slightest trouble in establishing my identity and ownership. As to your friend, the bogus Mr. Ashley, he is probably one of my cowboys, Henry Barnes by name. The description certainly fits him. He came to the ranch about fourteen months ago and asked for work. Now I remember, he wasn't like the other boys. He may have been hiding for some crime for all I know; on the plains we do not inquire much into such matters. He did his work all right and seemed rather more refined than the others, though he tried to conceal it. I heard once or twice from my men that he played a very cold hand at poker."

"He does," said "Hungry Joe" mournfully.

"He was an expert penman, now that I come to think of it," continued Mr. Ashley, "and did some of that kind of work for me. He was there when I came away."

"And this is the cuss—damn him," burst in the defrauded confidence man, "who got off to Europe with

my money. What's worse he went away full of my champagne and smelling my basket of flowers. That man is a d—d swindler; that's what he is."

Boston Corbett

Some time before the Civil War there migrated from England to America a short, stocky youth who was destined to play a part in one of the world's great tragedies. John Corbett was a descendant of the "Roundheads," as the men were called who made up the army of Cromwell, the most remarkable body of fighting men that ever followed a leader to battle. Filled with a religious fanaticism which dispelled fear, they went to conflict chanting the psalms of David as their battle songs; and welcoming death as a passport to Paradise, they dashed themselves upon and broke to pieces the bravest and best drilled battalions of Europe. They fought without excitement, boasting, or jubilation, but with a firm confidence that the God of battles marched with them and made them invincible by the power of His might.

Fanaticism is a full brother of madness and in the blood of many of these followers of Cromwell there was the taint of insanity. The young "Roundhead" attended a religious revival in the city of Boston shortly after landing in America and became a convert imbued with all the religious fervor of his forebears. In honor of the locality where he felt he had received salvation he changed his name from John to Boston and from that time on was known as Boston Corbett.

When the War of the Rebellion broke out he enlisted in a Massachusetts regiment and throughout his service showed the stoical intrepidity, the indifference to danger and death which had characterized his ancestors,

who, chanting their psalms and calling on the name of the Lord of Hosts, carried consternation and defeat to the royalist armies.

On one occasion Boston Corbett was sent out with a scouting party, which was surrounded by Mosby's guerrillas. All of the scouts surrendered except Corbett, who took refuge in a dry well and stood off Mosby's command until his ammunition was exhausted. When he ceased firing, the rebels, supposing that he was either killed or desperately wounded, peeped over the rim of the well and discovered him sitting calmly at the bottom, munching hardtack as unconcerned as if there were no war. When captured he was sent to Andersonville, where he spent ten months in that prison hell.

On most of the soldiers during the war, religion sat lightly, but with the fanatical descendant of the "Roundhead," war only deepened his fanaticism and religious fervor. He was a regular attendant and participant in the prayer meetings held by some of the men in his regiment and it was the voice of Sergeant Corbett which sounded the most fervent petitions to the Throne of Grace.

When the immortal Lincoln was stricken down by the bullet of the half-mad actor, Corbett was among the soldiers sent in pursuit of the assassin. He regarded himself as an avenger of blood, one selected by the Almighty to rid the world of the murderer of the president.

Speaking of it years afterward, Corbett said: "During the intervals between our different skirmishes, I attended a prayer meeting one night and the leader said, 'Brother Corbett, lead us in prayer.' I prayed, 'O Lord, lay not innocent blood to our charge, but bring the guilty speedily to punishment.' Afterward, when the assassin lay at my feet a wounded man, I saw that

a bullet had taken effect an inch back of the ear, and I remembered that Mr. Lincoln was shot in about the same part of the head. I exclaimed, 'What a God we have!' "

The shooting of Wilkes Booth by Boston Corbett was contrary to orders and he was court martialed for disobedience, but no punishment was inflicted, so far as the record shows.

It was some years after the war that Boston Corbett came to Kansas and filed on a homestead in Cloud County. It was a neglected eighty acres he acquired, and nature had not really fitted him for a farmer. Here in the solitude of the prairie he began to brood over things. He imagined that the friends of J. Wilkes Booth were plotting against his life. He was possessed of a revolver, and stories are told of his marvelous skill in the use of the weapon. Lying prone on his back he would shoot hawks circling high in the air above him, or riding at full speed on the only animal he possessed, a pony, he would shoot fleeing rabbits, rarely missing a shot.

Some of the young people used to meet near his place on Sundays to play ball. He regarded this as a desecration of the Lord's day and proceeded to break up the game by command, as he asserted, of Jehovah. Complaint was made by the players and Boston was arrested. The trial was to be held in the office of a local justice of the peace. Corbett came in on the day appointed, watched the proceedings with gloomy countenance for a time, and then, drawing his revolver, commanded that the sons of Belial, constituting the court and jury, should disperse. They did—and that right speedily. The justice of the peace, a large and fleshy man, hid behind a stairway while jurymen, witnesses, and town loafers vied with each other for possession of the door and windows, as places of exit. Having scattered the forces of iniquity in the name of

the Lord, Corbett mounted his pony and returned undisturbed to his lonesome shanty on the claim.

It was in the year 1887 that the member from Cloud County in an impassioned speech nominated the slayer of J. Wilkes Booth for the position of assistant doorkeeper of the lower house.

Those were the days when ex-soldiers of the Civil War still dominated the politics of Kansas and Boston Corbett was selected as assistant doorkeeper without opposition—although one member who knew Boston was heard to remark that the legislature would be in luck if Corbett didn't get a notion in his head that he was called by the Lord to kill off a few lawmakers before the session ended. For several weeks after his election Boston attended to the not very onerous duties of doorkeeper for the west gallery of the house. He was a peculiar, if not striking figure. His hair hung down to his shoulders and was parted in the middle. He was not averse to answering questions, but his face was never lighted by a smile.

Probably the session would have passed without any striking incident so far as he was concerned, if he had not become interested in the Salvation Army, which was just then especially active. The methods of these religionists appealed to the militant soul of the "Roundhead."

Night after night he marched with the devoted band which, with sound of drum and horn and clashing cymbal, with strident song and vociferous prayer, assailed the battlements of sin and invoked the aid and blessing of the Most High. The religious fervor that stirred the blood and brain of Boston Corbett led him to the conclusion that a number of legislators should be summarily removed from the places they occupied and that the legislative hall should be emptied, even as Christ drove the money changers from the Temple in Jerusalem.

It was a sight calculated to arouse the members from the drowsy dullness that had settled over the routine proceedings, when the little man was seen one morning standing at the front of the gallery in the house, his trusty gun in hand and his eyes blazing with the light of fanatical insanity. The sergeant-at-arms sent up an assistant to urge him to put away his gun, but Corbett made him beat a hasty retreat. The sergeant-at-arms then went up in person and retired with speed, if not with grace of movement, as he fell down the gallery stair.

Finally a number of police and deputy sheriffs were called in. Boston was overpowered, taken before the probate judge and there adjudged insane. Senator Charles Curtis, at that time county attorney, conducted the examination concerning his sanity. A few months afterward the slayer of Booth managed to get away from the hospital guard, mounted a horse he found near the asylum grounds and fled. A few miles from Topeka he left the horse with a note requesting that it be returned to its owner. Almost a third of a century has passed since then and, while there have been rumors that he had been seen here and there, no definite word has ever come from Boston Corbett since that spring day when he fled away.

Probably he has long since died, pursued to the last, no doubt, by the fancy that his enemies were pursuing him and seeking revenge for the killing of the slayer of America's greatest president.

A Perfect Defense

A good many old timers will remember Johnny Potts, of the T-5 range. Johnny seemed to hanker for a reputation as a bad man and tried to earn it and live

up to it. Quite possibly he wasn't really as bad as he thought he was, but it may be said for him that he wasn't merely a bluffer as some cowboys who posed as bad men were. It may have been native courage or it may have been mostly vanity that made him show physical courage, but the fact was that he was really a dangerous man when his temper was roused and especially when he had a drink or two under his belt. He was possessed of a mean and surly disposition and was one of the cases, fortunately not very numerous among cattle herders, who delighted in trying to convince tenderfeet that he was worse than he really was.

By long practice he acquired considerable skill in handling the revolver and while he could not draw and shoot with the lightning rapidity acquired by men like Billie the Kid, or Wild Bill or Wyatt Earp, he could draw his gun quicker than most men, even among those who called themselves expert gunmen. It pleased him, when in a crowd, to draw his gun suddenly and fire it rapidly either into the air or down into the ground. In one respect he differed from a good many men who liked to shoot holes in the atmosphere. Most of them liked to make noises with their mouths. They would ride through the streets shooting in the air and yelling like wild Comanches. That was simply their way of grand-standing. Most of them were really harmless and only hurt other people by accident. They did not really intend to kill.

With Johnny Potts it was different. He did no yelling. There was no expression of enjoyment on his face. He was a sullen, silent man, and seemed to want to impress the crowd with his lack of vocal expression. I have seen him empty his gun in the ground with no apparent purpose except to create the impression that he would just as leave shoot a man as shoot the ground if he had any sort of pretext for doing it.

Webster, who also worked on the T-5 range, was of a different type. Johnny Potts was uneducated, coarse in his limited speech, and with no grace of manner or address. Webster, on the other hand, was a man of considerable polish and had a fair education. He was a man of considerable reading, and capable of appearing in almost any kind of society. While Johnny Potts was rather undersized and not prepossessing in appearance, Webster was, as cowboys went, a sort of Beau Brummel, who liked to cast off the unlovely garments of the range and appear in civilized raiment, not the garish, loud sort some cowboys and tin horn gamblers delight in, but really tasty clothes, for Webster had taste in dress as well as in speech. It was perhaps natural that these two men, so different in manners and speech, should not love each other, and it was also almost inevitable that sooner or later there would be a quarrel to the death.

Just what the quarrel was about I do not now recall if I ever knew. The story was told me by another. It came at breakfast time, I think, at headquarters camp. Both men reached for their guns apparently at the same instant. They were standing by the trough used both for watering the camp horses and for the prepandial ablutions of the men. Johnny Potts was the fraction of a second quicker on the draw, which seemed rather strange, for Webster was known as the cooler and quicker man. They were within a few feet of each other when the impromptu duel commenced. There was no chance to miss at that distance, even if they had been less skilled than they were, but the hammer of Potts' gun came harmlessly down on an empty or defective cartridge and the next instant he fell dead as the bullet of Webster's gun tore its way through his heart.

It was many years afterward, when I happened to be

talking of old times with the veteran ex-foreman of the Drum range, Jack Crewdson, and mentioned the fatal battle between John Potts and Webster. I remarked that both men showed a lot of nerve, for there was every probability that both of them would die, shooting at that distance and both being quick on the draw and expert shots, and I also remarked on the luck of Webster.

"It wasn't luck," said the veteran cow man slowly. "Potts' gun had been fixed. That was why Webster was slow on the draw. But you see it made a perfect defense in case he had been arrested, taken to Fort Smith, and tried for murder!"

Captain Painter, Detective

A good many people in Kansas knew Captain Bob Painter, of Meade, as lawyer, journalist, department commander of the G. A. R., ranchman, and member of the legislature, but perhaps only a few know that he has a record as a detective that would do credit to a Burns or a Pinkerton. I am indebted for the material out of which this story is constructed to my old-time friend, Will H. Lininger, formerly of Topeka, now residing in Chicago, and holding the important position of assistant manager of the Springfield Fire & Marine Insurance Company. I might also say that the facts on which the story is founded were not published by Captain Bob Painter and only told by him on solicitation.

More than a third of a century ago the First National Bank of Cincinnati, Ohio, one day consigned to the United States Express Company a package containing $10,000 in currency to be delivered to a bank in Van Wert, Ohio. At Greenville, Ohio, the package

had to be transferred to another line of railroad. A quiet, inoffensive workingman, encumbered with a wife and family drawing a monthly stipend of some forty dollars per month, out of which munificent sum he had to support his family and pay for the feed of his horse, hauled the express packages from the car to the local office of the express company and from the express company's office to the other depot. On this particular day this humble citizen noticed this package and seeing that it was from a national bank, drew the conclusion that it probably contained currency. In the hurry of transferring freight and express the package was left in possession of the express messenger and carried on past the station. The humble citizen discovered that the package was not in his wagon and wired the messenger, who found it and returned it by the next passing express train.

Perhaps it was when the transfer man saw it the second time that the temptation came to him, and when you think it over it is not greatly to be wondered at that a man trying to support a family and a horse on an income of $40 a month should be tempted when a package of money is left in his care. So it came about that the humble transfer man carefully undid the package, abstracted the $10,000 in currency and replaced it with blank paper; then he delivered the package to the local express office, where it was locked in the safe and the next morning delivered by the same transfer man to the express agent at Van Wert and thence to the bank to which it was directed. When the Van Wert bank opened the package and found the currency gone the Pinkerton detective agency was called in to discover the thief. The Cincinnati bank brought suit against the United States Express Company and secured judgment. This put it up to the express company to find the party who had tampered

with the package or stand to lose all of the $10,000. Suspicion rested on the express messenger who carried the package past the station where it should have been transferred, and the agent of the express company at Circleville. Somewhat strangely the detectives did not seem to suspect the humble citizen who drove the one-horse transfer wagon, of being the guilty man.

The express agent was arrested, tried, and acquitted, but afterward dismissed, and the humble transfer man, who was the leading witness at the trial, was appointed local agent for the express company which he had robbed. But a guilty conscience made him uneasy. The currency was in bills of large denominations for the most part and the thief was afraid to spend it and no doubt afraid to keep it in his possession. After a few months he threw up his job and with his family moved to Nebraska and from there to Meade County, Kansas. He tried the real estate business with indifferent success for a time, then gave it up and moved to a little town up in the northern part of the county and started a small general store. And still he was afraid apparently to use the money he had taken from the express package back in Ohio. He lived modestly, was known as a quiet, unassuming man, and popular with his frontier neighbors.

Notwithstanding the fact that he had the money from the rifled express package in his possession, he borrowed money at the extortionate rates of interest charged in that new country, still, no doubt, filled with the fear that if he were to begin showing those large bills he would be suspected. And he had reason for his fear. The express company had failed to find the thief, but had not forgotten. The detectives were still tirelessly hunting for the criminal and while they did not believe that the quiet transfer man was the thief, they did suspect that he had some knowledge of the

real criminal. So it came about that Captain Bob Painter was employed to help unravel the mystery. Captain Bob had had considerable experience with criminals and for some reason had a hunch that the quiet storekeeper was the guilty man and that the currency was secreted somewhere about his premises. He cultivated the acquaintance of the storekeeper and finally proposed a business partnership with him to deal in equities in land.

In the eighties there was a great land and town boom in western Kansas. A flood of immigrants, a quarter of a million strong, took possession of the government lands clear out to the Colorado line. Loan agents came with the tide and practically all the lands were mortgaged. Then came the reaction, the crop failures and drouths, and the discouraged homesteaders forsook their lands and left them to be taken by the mortgage companies. The result was that most of the mortgage companies that loaned money in western Kansas went broke, unable to carry the load of defaulted mortgages, the payment of which they had guaranteed to the eastern purchasers.

Captain Bob's proposition to the storekeeper was to get hold of the equities in these mortgaged lands and sell them subject to the mortgages. Of course, the equities could be bought for a song, and it didn't need to be much of a song at that. Each of the partners was to put up $200 cash on a certain day, to be used in paying for equities which the captain was to try to dispose of in the East. Just what there was about the kind of money the storekeeper put up for his share that convinced Captain Bob of his guilt I do not know, possibly the size of the bills or the name of the national bank that had issued them, but in any event he wired the general manager of the express company that he had the thief located and to come and get him.

When they went out to make the arrest the man vehemently denied all knowledge of the crime, but on searching him they found a leather pocket book in his coat in which there were two $100 bills. A search of the house revealed nothing until Captain Bob insisted on investigating a stand which he found had a hollow leg, in which was concealed over $6,000 in bills. Fifty-two of these were $100 bills, the rest were bills of smaller denominations. Confronted with the evidence of his guilt the man broke down, confessed his guilt, and went back to Ohio to serve his sentence in the penitentiary. When the confession was made the man expressed his satisfaction. He had for years been carrying a load of fear and remorse. The money had done him no good, because he was afraid to spend it. It was apparently the one crime of his life and he had bitterly regretted it. A remarkable part of the story is that somehow the knowledge of their father's crime was kept from his children. They were given to understand that he had been called away on some kind of business that kept him from home a long time. He was a model prisoner, served his sentence, and returned to his family to lead thereafter a law-abiding and quiet life.

The Coming Back of Denver Boggs

I DO not know just when the elder Boggs, yielding to the lure of the West, loaded his young wife and possibly a child or two into a wagon and trekked across the far reaches of gently rolling prairie land that lay between the Missouri River and the foothills of the Rockies. At any rate it was before the present capital of the great state of Colorado had been laid out in that great cup in the mountains and men were sluicing the sands of Cherry Creek for gold.

Here on the site of the future city, the Boggs family located and here a year or so afterward a boy was born, the first white baby born on the townsite. In honor of the event his parents named him Denver.

The man born amid the glory and grandeur of the mountains does not often stray to the plains and for that reason it was somewhat remarkable that when Denver Boggs had reached years of maturity he came back and settled in Kansas. I first met him in the Medicine country, a mild, good natured, quiet man, who had managed to accumulate a wife and numerous children and very little else. He and his wife were uncomplaining souls and seemed to be reasonably cheerful, although there must have been times when there was little on the table and no reserve in the larder.

Denver had managed somehow to acquire a fair education. His speech was unusually accurate and unseasoned with profanity, which I may say in passing

was somewhat rare among the men of that locality at that time. I do not think he drank or used tobacco and so far as speech and general conduct were concerned he was really a model citizen. He worked at such jobs as offered, sometimes riding the range and sometimes working about the little frontier town, doing odd jobs. Occasionally he canvassed for subscribers for the local paper after it was started and sometimes furnished a column of country correspondence, for he had some facility as a writer.

The only criticism I ever heard of him was that he lacked force and ambition. He seemed to have a fair equipment of brains, but apparently was content to live a hand-to-mouth existence, letting the morrow take care of itself.

It was, therefore, with some surprise that along in the later nineties I heard that Denver Boggs had blossomed out as a cattleman and according to report was succeeding. It was in the time when there was a great boom in the cattle business, especially in the business of raising cattle on the range. The long depression in prices of beef cattle was succeeded by a brisk demand and constantly rising prices. Money to invest in cattle was easy to obtain. Commission firms seemed willing to stake almost any man who was ready to promise them big dividends on their investment. As a result of this condition there was witnessed the astounding and most spectacular career of Grant Gillette, known for a time as the "cowboy cattle king." Starting with no capital, in an amazingly short while he had managed to borrow more than $2,000,000 and had herds scattered from the Red River in Texas to the Nebraska line. At one time he traveled about accompanied by his famous cowboy band, numbering perhaps twenty-five or thirty musicians who did nothing but furnish entertainment and advertise their employer.

But the rise and fall of Grant Gillette is enough material for another story.

Denver Boggs was not so spectacular, but something had stirred his ambition; opportunity was at his door and he mounted and rode. Most men and women like to live up to their reputation. With seeming prosperity, Denver Boggs and family were no longer content with the old simplicity of dress and economy of household management. There was a temptation to live beyond his means and to it Denver yielded. He sold the cattle or part of them which were mortgaged to secure his indebtedness. Perhaps if he had frankly stated the case to his creditors, he might have made arrangements to pay out when he could, but he made the fatal mistake of concealment until he could see no way out and the doors of the penitentiary opening before him. Then he fled. It was a good many months before any news came from the fugitive.

He made his way to Cuba; then across the gulf to Mexico. All the time his conscience was goading him and he was weighed down by an almost intolerable burden of homesickness and longing to get back and have it all over with. Denver Boggs was not a criminal at heart; he was in fact a kindly man who had yielded to temptation and was paying a fearful penalty. The day came when he could stand the strain no longer and crossing the bridge which separates El Paso from the old Mexican town of Juarez, he hunted up the Texas sheriff and told him that he was wanted up in Kansas and had come in to surrender. The sheriff was somewhat surprised and after looking through all of his lists of men wanted could find no mention of a man by the name or fitting the description of Denver Boggs. But the man was insistent and so the sheriff to accommodate him wired the Kansas authorities that he had a man there who insisted that he had committed a crime and

wanted to go to the penitentiary. The Kansas sheriff wired that the story of the wanderer was true; and so without guard and gladly, Denver came back to Kansas and surrendered himself to the officers of the law. All he asked was to have the matter over with as soon as possible so that he might begin serving his sentence, with the hope when he had paid the penalty he might be given a chance to reinstate himself in the opinion of his old neighbors.

The court heard the story and declaring that in his opinion Denver had already been punished sufficiently for his fault, gave him the lowest sentence permissible under the law, one year in the penitentiary. That was in the days before the indeterminate sentence or the power of the judge to grant a parole. In the penitentiary he was a model prisoner and was given all the good time possible on a sentence of that duration. At the end of the eleventh month Denver Boggs stepped forth a free man.

During his wanderings he had traveled through the then territory of Arizona and perhaps by reason of the environment of his boyhood, was something of a mineralogist. As he traveled he observed and marked the location of rich copper deposits. When he had finished his term in the penitentiary he went back to Arizona and found that the properties he had noted were still open to entry. He located a number of claims and then got in touch with some men of means who were looking for mining investments.

Denver Boggs was not a success as a cattle man but he was a pleasing conversationalist and persuaded these capitalists to send their hired experts to look at his claims.

As a result he sold them an interest for $125,000 cash.

Let it be said to his credit that one of his first acts

was to square up with his creditors, who had long before marked off the Boggs cattle account as uncollectible.

It has been a good many years since I last heard from Denver Boggs. I have always regarded his case as a remarkable instance of a man coming back out of the depths and beginning his real success in life after serving a term in the penitentiary. I hope that success has followed him, because, notwithstanding his one grave mistake, he was a good man.

When Bill Backslid

Among the cowboys who ranged from Dodge City to the Panhandle of Texas was one whose baptismal name as I recall was William Patrick Hogan. But on account of an adventure he had had with a prairie rattler, which, according to William and his contemporaries, would have resulted in his premature demise if it had not been for the prompt administration of snakebite remedy in copious quantities, he was generally known on the range as "Rattlesnake Bill."

If the modern descriptive adjective, "hard boiled," had been invented at that time, it would have fitted "Rattlesnake Bill" to a dot. When he was "lit up," as the slangful phrase had it, he was something of a holy terror, and even when sober was not particularly averse to trouble, either with gun or fist or quirt, although it should be said to his credit that he never craved the reputation of being a "gunman." His natural inclination, after the manner of his race, was to settle arguments with the two hands furnished by nature, and if he had lived in the land and time of his forebears he would have been a leader with the blackthorn and engaged joyously in breaking the heads of

his opponents. It must be confessed here that religion did not have much of a foothold on the range. A preacher was likely to be looked upon by the herders as rather an effeminate individual, who might do all right to talk to women's aid societies, but who lacked the virility admired by the men who rode through the silent watches of the night, or at breakneck speed through the storm with the stampeded herd, risking death every moment. It was, therefore, an amazing thing when "Rattlesnake Bill" happened to come under the spell of a traveling evangelist and became a humble suppliant at the mercy seat.

And it should be said for Bill that he took his religion seriously. He felt that he ought to do something to make up for the years he had wasted in the service of Satan while ambling down the broad road which led to destruction. It occurred to him that he might and should become a living example of the power of grace, and show to the unregenerate cowboys that he could demonstrate the long suffering patience of the Nazarene.

The other herders were, therefore, considerably surprised when they learned that "Rattlesnake Bill" had not only got religion, but that on a certain evening he proposed to make a talk to his unregenerate fellow cowpunchers and show them that he had so completely changed that they could heap upon him any indignity without causing anger or resentment on his part. The herders discussed the matter among themselves with varying opinions. Some of them said that they believed Bill was really in earnest, while others contended that he must have been eating loco and had bats in his garret as a result. It was generally conceded, however, that it would be a good idea to go and hear what Bill had to say and likewise to give him a tryout. So it happened that there was a rather large and in-

terested crowd present on the evening when the new convert proposed to give an exhibition of the genuineness of his conversion.

His opening statement was somewhat crude but easily understood. In substance he said: "You range riders and mule skinners hev knowed me for several years. You all know that I never took no stock in no kind of religion and if there was any kind of general orneryness that I hain't indulged in I can't call it to mind, and at that I ain't no worse than a lot of you geezers. What I'm aimin' at is to show you birds that a man who is genuinely converted can stand the gaff and not let his temper rise. Now I propose to demonstrate to you unregenerate cusses that you can heap any sort of insults and abuse on me and I won't resent it. Go to it."

They took him at his word. Some of them, indeed, had come prepared to make it interesting for Bill if he really meant it. "Arkansas Pete," who had suffered at the hands of "Rattlesnake Bill" in a fistic argument, saw an opportunity to play even and landed a kick on Bill's person that almost made his teeth rattle. For an instant there was a dangerous expression on Bill's countenance, but he made no attempt to resent the indignity. "Texas Sam" took from his cheek a well-chewed quid of longgreen tobacco and snapped it against the bronzed cheek of the amateur evangelist and demonstrator of Christian forbearance. "Sour Dough Jake," the cook, who had been the butt of a good many jibes from Bill in his unregenerate days, plastered his head with a batch of spoiled dough, and "Bitter Creek Slim" tried him out with a vigorous application of the quirt on an unprotected part of his person. "Rattlesnake Bill" winced a trifle under the punishment, but made no complaint and gave no indication of anger. It was at this point that Ike Timberlake, from the

Brazos country, commonly known on the ranges as "Alkali Ike," took from his side pocket a turkey egg in an advanced state of decomposition and, with well-directed aim, hurled it at Bill's head. The new convert was just opening his mouth to assure the audience he was unmoved by their treatment, when the wild turkey egg of advanced age and powerful vintage hit him fair and square in the face. It broke with a loud sound and a considerable part of the contents of the shell went between his teeth. He gagged, spat out the putrid egg with great promptness and considerable violence, wiped the loud smelling mess from his countenance, and then made the following announcement, as he shed his coat preparatory to going into action: "Gents, I don't intend to give up permanently this here Christian life, but there will be an adjournment for fifteen minutes of this here exhibition of long-sufferin' meekness and patience while I whip the low-down, measly, sheep-stealin' son of a coyote who throwed that turkey egg." Those who witnessed the fight declared that "Rattle-snake Bill" was never in better form, and when the battle ended, "Alkali Ike" was a wreck, while "Arkansas Pete," "Texas Sam," "Sour Dough Jake" and "Bitter Creek Slim" had fled from the wrath to come.

The Rise and Fall of Grant Gillette

About thirty years ago a young telegraph operator out in Marion County was accused of putting up a job to defraud the railroad company, which seems so simple in its conception that one marvels that it should have worked, even for a limited period. The scheme was to put a few bushels of grain in a freight car, bill it out as a full car and collect from the railroad company on the basis of the full car-load.

Naturally, as might be supposed, the young man got into trouble and left that section of the country for a year or two. He seems to have been able to satisfy the railroad company in some way, however, and was never prosecuted.

It was a year or two after that, that this same young man sought the job of deputy sheriff in Dickinson County. The emoluments of this office at that time amounted to some fifty dollars per month. He did not get the job.

Possibly the necessity for making a living suggested to him that there ought to be some shorter road to fortune than working as an underling at the modest stipend of fifty per month. At any rate, there seemed to be a change come over the spirit of his dreams. He evidently decided that the world was his oyster and he proposed to open it.

The young man was Grant Gillette, of Woodbine, who within the next four or five years furnished the most spectacular example of frenzied finance ever seen in the Middle West.

Within these few brief years this young man, still under thirty years of age, with little business experience and only local acquaintance, bought herds of cattle from Texas to the Canadian line, and from the Pacific coast to the Missouri River, all on borrowed money, advanced by experienced bankers and commission men, and even by the great leader of the packing industry, Philip D. Armour.

When the crash finally came his indebtedness had mounted to the dizzy height of $2,000,000, or somewhere in that neighborhood. The men who had advanced the money were holding chattel mortgages on herds, as they supposed, aggregating 60,000 cattle, of all grades from long horned Texans, to the highest grade Herefords. His methods were bizarre and, it

would have seemed, not calculated to appeal to a careful, hard-headed business man, but the astonishing fact was that somehow he did appeal to them, so that they advanced large sums of money on his unsupported promise and even seemed eager to do it. On one occasion he stepped into a commission house in St. Joseph and nonchalantly asked the broker to cash his check for $10,000, saying that he would have a few carloads of cattle on the market within a week and would then settle. The commission house promptly cashed the check which they were still holding after the crash came.

Possibly there was an element of greed in the case, for Gillette promised his backers large profits on their investments. It is probable also that his breezy confidence impressed these men, for in the heyday of his career Grant Gillette was the personification of confidence in his own ability. True, there was much of the grand stand in his methods. He hired and uniformed a large band, known all over the country as Gillette's cowboy band. This band he carried about on special trains to cattle conventions and other gatherings. He rejoiced in the title of the cattle king of Kansas. His shirt front and fingers were decorated with large and glittering diamonds and he had a peculiar habit of carrying a handful of diamonds in his pocket which he would carelessly jingle in his hand when engaged in conversation.

He cherished political ambitions and was talked of as a candidate for the Legislature and even Congress.

The crash came in 1898 when some bank or commission house began to get uneasy about its paper, and then it developed that Gillette's creditors did not know within $1,000,000 how much money had been advanced to the young Napoleon of finance.

On November 27, 1898, the following telegram was

received at Woodbine, "Will leave today for Spain. Cable me at Cadiz, how are my wife and baby." However, he was not sailing for Spain but was heading for old Mexico.

It was three years afterward that a Kansan returning from Mexico brought the news that he had met Grant Gillette in the city of Chihuahua, where he was living in a state of poverty. His baby had died. His wife had been taken down with the smallpox and Grant himself had nearly died from accidental poisoning. He had been running a dairy, but had lost that when sickness came on, and was then earning a somewhat precarious living by making and selling shirtwaists to the Mexican maidens. However, Gillette was not the kind of a man to get discouraged by fickle fortune. Five years after he had disappeared, leaving his creditors to gather up what they could, he returned to the United States.

He called some of his creditors and informed them that he had procured a large interest in a valuable mine and wanted them to take stock in the same to the extent at least of his obligations to them, and perhaps some more to finance the proposition. How many of them took stock I do not know, but at any rate all talk of prosecution of the erstwhile cattle king was dropped and my last word concerning his whereabouts was that he was living quietly near Fostoria, Ohio, was accumulating land, and was on the road to fortune.

Having seen and having tried to study the character of Grant Gillette, I have often wondered how he was able to go as far as he did. I have often wondered how a man like him could so impress a man like P. D. Armour, who had the reputation of being an excellent judge of human nature, that he would back the speculations of the young adventurer to the extent of thousands of dollars.

Possibly the explanation may be that of the western man who loved to sit in a poker game, who declared that a bob-tailed flush was just as good as the real thing if you only had the nerve to bet it high enough, and at the same time look as if you really held the cards.

Convicted under His Own Law

One of the members of the first Oklahoma territorial legislature was Ira N. Terrill, who had gone into the new territory with the first spectacular run and driven his stake in a choice quarter section of virgin Oklahoma land. If it had not been for the fact that another man also decided that he wanted this particular quarter section of land this story would never have been written, with its intermingling of comedy and tragedy. As a legislator Terrill determined to leave his impress on the laws of the new territory and future commonwealth. He introduced and successfully urged for passage a law providing for capital punishment by hanging for first degree murder, treason, and possibly some other offenses.

The session had not much more than adjourned, however, when the quarrel between Terrill and the man who was contesting his right to the claim, culminated in a shooting. Perhaps Terrill took the advantage; perhaps he was simply the better marksman, or maybe he got his gun out first. Anyway, the other man was dead and Ira N. Terrill was arrested charged with murder. It seemed a queer irony of fate that he was the first man charged with murder and tried under the provisions of the bill he had introduced and caused to become a law. He was convicted of murder in the second degree on September 26, 1892, and as the territory of Oklahoma had no penitentiary, he was sent to the Kansas

penitentiary under an arrangement made with the Kansas governor and warden, by which the state was paid so much per prisoner by the territory.

Terrill had made some study of law before his conviction and was a zealous student of jurisprudence during the period of his incarceration. Acting as his own lawyer, he brought a habeas corpus proceeding in the supreme court of Kansas, demanding his release on the ground that the court which convicted him in Payne County, Oklahoma, was without jurisdiction, because the term of court had lapsed by the failure of the judge to put in an appearance within the time fixed by statute. The supreme court held that he was right in his contention, granted the writ, and ordered him released from the penitentiary, but did not discharge him entirely. He was ordered to be delivered to the sheriff of Payne County for such further proceedings as the prosecuting officer of that county might desire. The result was a new indictment, a new trial, and another conviction, but this time for first degree manslaughter. He was then sentenced to twelve years in the penitentiary and again lodged in the Kansas penitentiary.

Again Terrill applied for a writ of habeas corpus on the ground that the killing for which he had been tried and convicted had taken place on a government reservation (the shooting occurred in Guthrie on the government acre reserved for the United States land office). The supreme court this time ruled against Terrill, holding that the question as to where the killing had taken place was one of fact and if an error of jurisdiction had occurred it could only be taken advantage of on appeal.

Having failed on this Terrill proceeded on a new theory, that no authority existed for holding in Kansas a man whose liberty was restrained by an Oklahoma

court and that there was no law in Kansas which justified or attempted to justify such detention. Acting on this theory, all the time he was in the penitentiary he was in a state of chronic insurrection, refusing to work and even resisting the officer when that gentleman undertook to compel him to toil.

In the early part of 1903 he again succeeded in getting the attention of the supreme court with another application for a writ of habeas corpus, based on the ground above stated. The court refused to grant the writ on the ground that the state of Kansas by permitting the warden of the penitentiary to enter into this contract with the territory of Oklahoma to care for the convicts had recognized the validity of the contract although it was not authorized by any act of the legislature. Two members of the court dissented from this decision. This ended the incursions of Terrill into the courts and he sullenly served out the rest of his term.

At the time of his third application for a writ of habeas corpus, I had written a story about him in which I stated that he was the first victim of his own law and that he had been convicted of murder in the first degree and sentenced to be hanged. This was a mistake on my part, but was innocently made and then it furnished the material for a better human interest story.

A short time after he had obtained his liberty I was surprised to receive a visit from the noted ex-convict, who had somehow obtained a paper containing the story I had written. He had this with him and proceeded without much preliminary statement to inform me that I had libeled him and that his reputation and feelings were lacerated to the extent that it would require $10,000 to heal the wounds. In support of his demand, he called attention to the fact that he had not been

convicted of first degree murder or sentenced to be hanged.

I countered first by deploring the fact that I lacked something like $9,998.50 of having the $10,000 about my person, then proceeded to argue that, granting what he said to be true about the convictions in court, he really had no ground for complaint; that having been twice sentenced to imprisonment, once for life and once for twelve years, the sum total was really worse than only being sentenced to hang once. I argued with considerable earnestness that to be sentenced to serve at hard labor in the penitentiary after a man was dead was a punishment more to be dreaded than the brief inconvenience of hanging, which would be over with in less than sixty seconds. I also urged that to have been sentenced to be hung gave him a prominence he never could achieve by mere confinement in the penitentiary. Not many men have been sentenced to be hung and escaped, but millions of men have spent more or less of their lives in penitentiaries.

I must say, however, he did not seem to be much impressed with my argument and insisted that it was either a financial settlement or a suit for libel. He also included Senator Capper in his suit and made the same demand on him, but Mr. Capper mildly but rather firmly declined to dig up and the suit was brought. As this was the only time that any one ever considered it worth while to make me a defendant in a $10,000 libel suit I was somewhat puffed up about it and interested in the outcome.

The case came on to be heard before the late Judge A. W. Dana. The defendants were represented by ex-Lieutenant Governor Troutman, while Ira N. Terrill was his own lawyer. When the jury had been duly impaneled and sworn, there commenced perhaps the most peculiar trial ever seen in a Kansas court.

Terrill acted in a double capacity of lawyer and witness and with meticulous care maintained the distinction between attorney and client and attorney and witness. He announced to the court in an apparently wholly impersonal way: "Ira N. Terrill will now be sworn."

"Mr. Terrill will take the witness stand."

He then gravely asked, "Please state your name, age, and residence to the court and jury."

Having asked the question, he stepped up on the little platform, seated himself in the witness chair, and proceeded to answer the questions. He then stepped down and, again assuming the rôle of attorney, asked, "Are you the plaintiff in this case?" then took the witness chair and answered the question.

"Have you, Mr. Terrill, in your possession a copy of the *Farmers' Mail and Breeze* of ——— date owned by one of these defendants and edited by the other?"

Again seating himself as a witness he answered, "I have."

Then assuming again the position of attorney for the plaintiff he announced, "We now wish to introduce this paper containing the libelous article, in evidence and mark it 'Exhibit A.' "

This proceeded through the trial of the case, the prosecutor alternating between the witness stand and the floor. The judge with great dignity and self-restraint preserved decorum in the court, although one fat juryman, in his efforts at self-repression, showed evidences of pain and indications of apoplexy.

I may say in conclusion that the jury very kindly refused to find for the plaintiff, which relieved both Mr. Capper and the writer from financial loss and as Terrill had filed, as I recall, a poverty affidavit when he started the suit and as his only witness was himself it was inexpensive, if fruitless, legal action.

What has become of this picturesque and peculiar character I do not know. For a few years after his release from the penitentiary I heard occasionally of his bringing suits for damages against various officials in Oklahoma and Kansas, but think they all ended about as did the one described. So far as I know, however, he holds the record for at least two things: he is the only man in the United States convicted of a capital offense under a criminal statute of which he was the author and also the only man who, while in the penitentiary, acting as his own lawyer, brought three habeas corpus proceedings before the supreme court of a state.

The Last Raid of the Daltons

One day in the late summer of the year 1907 I was taking a plain and not very satisfactory meal in a Topeka restaurant when there came in and sat down at the table with me a tall, well built, and rather strikingly handsome man. His face had that peculiar pallor that comes from long confinement within prison walls and I noticed that he seemed to have little use of one of his arms. A well known Topeka physician accompanied him and introduced him as Emmett Dalton, the only survivor of one of the bloodiest bandit battles that ever took place on the Kansas border.

For fifteen years Emmett Dalton had been an inmate of the Kansas penitentiary under sentence of death, for in those days Kansas had a peculiar law under which a man might be convicted of murder in the first degree, in which case it became the duty of the judge presiding at the trial to sentence him to be hanged by the neck until dead, but with the proviso that the sentence of death should not be carried into effect until after the condemned had been confined for

one year in the Kansas penitentiary and then only on order of the governor. As no governor cared to take the responsibility of ordering a wholesale execution, the number of men convicted of first degree murder increased until at one time there were about one hundred in the Kansas penitentiary, with sentence of death hanging over them awaiting the order for their execution.

Of these the one who excited the greatest interest among the visitors to the penitentiary and the most striking figure among the more than one thousand convicts (for at that time Kansas was taking care of convicts from the territory of Oklahoma), was the young man Emmett Dalton.

Among the boldest of the deputy United States marshals who preserved a semblance of order and law in the wild land known as the Indian Territory during the latter half of the last century was Bob Dalton. Fearless to the point of recklessness, deadly in his aim, and quicker to draw than most gunmen, he possessed to a very considerable extent the confidence of the department of justice at Washington, until it was discovered that he was selling protection to outlaws. Confronted with the evidence, he excused his action by claiming that the Government owed him a considerable sum for his services as deputy marshal, which he had not been able to get on account of the red tape connected with Government dealings, and he was just getting even. He was not punished further than being dismissed from the service. His deals with the outlaws showed the criminal bent of his mind and shortly after he determined to cut loose from all restraints of law and become a leader of a bandit band.

It must be said for Bob Dalton that he had the qualities of leadership which made him a most dangerous outlaw. Nature had dowered him with a more than ordinarily keen, though crooked brain. His fol-

lowers feared but also loved him, for he was generous as well as bold. They were ready to follow him into any danger even against their better judgment, and die with him if that was to be the fortune of the fight. For some months after the organization of his band he had uninterrupted success. There were train robberies as bold and spectacular as were ever undertaken by the James and Younger gangs, and the name of Dalton became notorious in the annals of border outlawry.

One mild October day—October 4, 1892, to be exact—Bob Dalton gathered his band together and outlined his plans for a raid on the banks of the town of Coffeyville. With him were his two younger brothers, Grattin and Emmett, then a boy of barely nineteen, Bill Powers, and Dick Broadwell. Broadwell was the son of Major Broadwell, whose cattle ranged in the Medicine country. I had seen the boy Dick often. He had always seemed to me to be a rather overgrown, awkward, good-natured youth, not naturally a tough, but of that impressionable nature which would be influenced and greatly attracted by a man like Bob Dalton. So, with visions of adventure and riches easily obtained, young Broadwell had joined the gang and afterward, as this story will show, paid for his folly with his life.

To his companions Bob Dalton told of the large accumulation of cash in the Coffeyville banks, the Condon and the First National. They were to ride boldly into town. Two of them, Bob and Emmett Dalton, were to hold up the First National, while Grat Dalton, Bill Powers, and Dick Broadwell were to loot the Condon bank. Some of the members of the gang objected. They said that Coffeyville was a town in which many men were accustomed to carry arms. The Daltons, too, had lived in Coffeyville and were known to many Coffeyville people. The risk seemed too great. The

bandit leader listened to the objections and then told them that he had determined on the raid. He was going to pull off a bank robbery more sensational than any the James boys or the Youngers had undertaken and would carry away a bigger loot. If any of them did not dare to go with him it was because he was a coward. That settled it. His was the dominating mind and none of them would acknowledge to Bob Dalton that they were cowards. To Emmett, the boy, his brother Bob was a demigod. He had been the hero of his boyhood and was still his hero, whom he was willing to follow anywhere and for whom he was willing, if necessary, to die.

A few minutes after the opening of the banks on October 5, Grat Dalton, Bill Powers, and Dick Broadwell dismounted in front of the Condon bank and entered. A moment afterward the cashier and his assistant were facing the revolvers of the bandits. The cashier was ordered to open the safe, but replied that it was a time lock and he could not open it. "How soon will it be open?" asked Grat Dalton. "In ten minutes," answered the cashier. "We will wait," coolly announced Dalton.

That ten minutes was a fateful period of time. Had the bandits been content to have taken what cash there was in sight, they might have escaped, but during the wait the citizens became aware of what was going on. Resolute men began to get their guns and the battle opened. It was short but bloody. When it ended the city marshal, Connelly, and three other citizens, L. M. Baldwin, C. J. Brown and Thomas G. Ayers, and four of the bandits, Bob Dalton, Grattin Dalton, Bill Powers, and Dick Broadwell were either dead or dying and Emmett Dalton, his shoulder shattered by a Winchester bullet and his back torn by a load of buckshot, was supposed to be mortally wounded.

Bob Dalton, cool and desperate to the last and deadly in his aim, was responsible for the death of most of the citizens.

In an alley afterward known as "bloody alley" the bandits went to death as they were attempting to escape. Emmett might have escaped with the wound in his shoulder but his love for his brother and boyhood hero was stronger than his love of life, so he turned back amid a hail of bullets to try to rescue Bob. With one arm disabled he tried to raise the dying bandit from the ground. "It is no use. I am done for. Save yourself if you can," gasped the leader, and Emmett reluctantly mounted to ride away when he received a charge of shot in his back and fell from his horse, as it was supposed mortally wounded.

Ninety-nine men out of a hundred would not have survived the wounds inflicted on Emmett Dalton, but he was not an ordinary man. The doctor who looked him over and dressed his wounds pronounced him the finest specimen of physical manhood he had ever seen, but at that gave no hope of his recovery. There was talk among the indignant citizens of lynching the boy, but the majority did not favor the idea of hanging a man who was supposed to be dying. So Emmett Dalton lived. For weeks he hovered between life and death. It was just touch and go whether he lived or died, but his magnificent strength triumphed. When he was convalescent he was taken before the court, plead guilty, and was sentenced to be hanged under the provisions of the peculiar Kansas law.

Wardens generally had little complaint of his conduct as a prisoner. He learned the trade of a tailor and became something of an expert. But the desperate wounds he had received never entirely healed, and after a time began to grow worse instead of better, until finally the prison physician declared that there must either be an operation or Dalton would lose his arm.

Governor Hoch, acting on the recommendation of the prison doctor, granted the ex-bandit a parole for four months in order that he might go where he could have proper surgical treatment. He had come to Topeka for that purpose and it was then I met him. Whatever may have been in the heart of the man, he was outwardly frank and attractive. He perhaps did not have great educational advantages, but he talked well and frankly. He insisted that he had killed no one that terrible day in Coffeyville, but made no complaint about his conviction. "I was guilty," he said frankly, "because I was with the crowd that planned the crime and murdered the citizens. I was with the gang because I loved my brother Bob. Whatever he may have been, however much of a criminal, he was good to me and I loved him. I might have gotten away, I think, but I could not bear the thought of leaving him there weltering in his blood, and so I rode back and tried to save him. It seemed to me that the air was full of bullets and I cannot understand how I escaped with my life. I guess it was a good thing that I was shot and sent to prison, for I have learned a lesson, and that is that crime does not pay. My family are not all criminals. I have brothers who are law-abiding and successful business men, and the law that I and my other brothers were violating protects the lives and property of these law-abiding brothers of mine. I want to get a pardon and go out a free man to show the world that I can make good."

Emmett's mother, a sweet-faced, white-haired old lady of three score and ten, had during all the years her youngest born was in prison, worked unceasingly for his release. His conduct during the time of his parole helped and at the end of it Governor Hoch granted him a full and unconditional pardon, incurring by his act a good deal of criticism, especially from the people of Coffeyville, many of whom still had a vivid recollec-

tion of the tragedy of the fifteen years before. Personally I have never blamed the governor. Had I been in his place I think I would have pardoned the ex-bandit, for I believed in his avowal that he intended to make good.

A short time after his release Dalton married the widow of a bank robber who was killed by an officer who was attempting his arrest. Not long after he undertook a reproduction of the crimes of the Daltons for moving picture purposes. He offered as an excuse for this that it would furnish an object lesson to warn young men against engaging in crime, but the general sentiment was that it was an attempt to capitalize his crimes and make of himself a movie hero.

Then came rumors of disgraceful domestic brawls, of dissipation and disreputable episodes. How much truth there was in these rumors I cannot say. They may have been very much exaggerated, for it is true now as always that the way of the transgressor is hard and the man who has spent years within prison walls as a convict, walks ever after in the shadow of his crime with suspicion dogging his footsteps.

Chester I. Long

Along in the middle eighties a young man, who had finished his law course, largely under the tutelage of George R. Peck, hung out his shingle in Medicine Lodge. In his youth he was a teacher of elocution, but had long since lived that down. His library at first, as I recall, consisted of a copy of the revised statutes of 1868, two volumes of Blackstone, and a few other textbooks, while the rest of the space in the bookcase was mostly taken up with agricultural reports and other light literature. Chester I. Long was a good

student and hard worker and soon began to get his share of such law business as there was in a frontier town like Medicine Lodge. This story, however, has to do with his political rather than his business career.

His first serious attempt to break into politics was in the year 1889. Senator F. C. Price had resigned his place in the state Senate to take the judgeship of the newly created judicial district. The senatorial district consisted of the counties of Harper, Barber, Comanche, Clark, and Meade. There were three candidates to fill the vacancy caused by the resignation of Senator Price, George Finch, of Harper, Chester I. Long, of Medicine Lodge, and George Willis Emerson, banker, novelist and promoter, of Meade.

Finch had opposition in his own county but had enough delegates to control the county convention and selected the delegates to the senatorial convention. He made the mistake of naming his leading opponents as members of his delegation to the Coldwater convention. They intended to stay with him only so long as there was no danger that he would be nominated, which I may remark in passing is not a good kind of delegate to have, so far as the candidate is concerned. None of the three candidates had enough votes to nominate, but after a considerable amount of balloting enough of the supporters of Emerson were ready to leave him and go to Finch to nominate him, provided all of his own delegates would stand hitched. Immediately a part of the Harper delegates forsook their own candidate, voted for Long and nominated him.

A year later the nomination would have been an empty honor, for the Populist wave swept the district, but the wave had not started to roll yet when the election to fill the vacancy was held and Mr. Long was triumphantly elected. In that way he became a member of the hold-over Republican Senate which tried the

impeachment case of Judge Theodocius Botkin, who had been impeached by the Populist house elected in 1890. The triumphant election of Jerry Simpson in 1890 had a tendency to discourage Republicans in that district who had ambitions to go to Congress, so that when it became known that Senator Long was willing to offer himself a living sacrifice in 1892, he had no particular trouble in getting the nomination. He made a strenuous campaign, and apparently a reasonably effective one, as he managed to reduce the Populist majority of more than 8,000 in 1890, to less than 3,000 in 1892.

Long was a tireless worker and developed into an effective campaign speaker, but some of the arts of the politician he never learned. Cordial to those with whom he was acquainted, he never really developed that peculiar ability to mingle with the promiscuous crowd and appear to be nearly tickled to death to see and shake hands with people he had never met before. He tried to do it, but somehow or other there were a lot of the people he shook hands with who never seemed to be satisfied that he meant it. He was a man who never used tobacco or intoxicating liquor in any form at that time and I think has never acquired the habit since. Some of his supporters during his first campaign made him believe that passing the cigars was necessary and he fell for it. He knew nothing whatever about a cigar. All looked alike to him. Simon Lebrecht, the Hebrew merchant, of Medicine Lodge, had somewhere gotten hold of a large quantity of cigars, I think possibly at auction. In those days I used to smoke and tried one of these cigars. That satisfied me fully. I never had either desire or curiosity to try another.

I do not know who helped put up that job on Chester I. Long, who was persuaded to believe that these

Lebrecht cigars were really a choice article and bought several boxes for campaign purposes. Campaign cigars at best are bad, but these were the limit. They might have been made useful in curing young boys who had an ambition to learn to smoke. If one of them had not killed the boy he would have resolved with little "Robert Reed," of old school reader fame, never again to touch the filthy weed. In the first crowd the congressional candidate handed round his box of cigars. They were taken readily and lighted. The smokers were hardened frontiersmen in large part, inured to hardships and accustomed to the odor of the corrals, but when forty or fifty of those cigars began to burn more or less freely, those men began to cast on each other looks of suspicion. One of them intimated to his neighbor that it was all right, of course, to kill the pesky varmints that came prowling round the place, but a man ought at least hang his clothes out in the air for a few hours before coming into a crowd that way. When the real cause of the trouble was determined a friend of the candidate called him to one side and said: "Of course, Mr. Long, we old regulars who vote our tickets straight are goin' to stay with you. We are willin' to make even greater sacrifices for the Grand Old Party than this, but there are a lot of independent voters in this district who went off and voted the Pop ticket two years ago. If they are handled right they will come back this year and vote with us, but if you go to distributin' them cigars regular there is simply no hope. The impression is likely to get out that you are tryin' to poison your constituents."

In 1894 Chester was renominated and the tide of Populism had so far waned that he was elected. He was renominated again in 1896, but the free silver sentiment was so powerful that year in Kansas that

Jerry Simpson defeated him by something over 3,000 majority, although Long made a thorough and strong campaign in opposition to the silver theory. That ended the free silver issue and the Populist party went out of business as a party. Mr. Long was elected in 1898, 1900 and 1902 by comfortable majorities, but was elected to the United States Senate by the legislature of 1903 and therefore did not serve his fourth term in the lower house. In the United States Senate Chester I. Long was counted a "standpatter" while the sentiment of Kansas was tending more and more strongly toward a more radical brand of politics. It was this popular tendency that caused his defeat for renomination and swept Joseph L. Bristow into a seat among the mighty.

I have heard men attribute Long's defeat to his lack of ability as a "mixer." All that is necessary to refute that theory is to gaze for a few brief moments on the attenuated and also elongated form of Joe Bristow. In comparison with Joe Bristow an icicle seems like concentrated sunshine or a modern heater in action. I have my doubts, anyway, about the efficacy of the made-to-order smile and the glad hand in politics in Kansas. The Kansas voter is peculiar in that he is liable to conclude that the candidate who is particularly effusive in his handshaking and verbal glucose, is trying to put something over on the sovereign squatter who does the voting. Mr. Long was defeated not because the voters of Kansas doubted his ability or his integrity, but because a majority of them did not believe that he at that time represented their political views. Bristow was nominated and elected because the majority believed he did represent their views.

Governor Allen's Maiden Speech

In Hillsdale County, Michigan, lives an old farmer, Ben E. Kies, who in the days when the Farmers' Alliance was the dominant power in Kansas, was a prime mover and trusted adviser of the organization. Kies was a shoe merchant in Medicine Lodge, the trusted friend and admirer of Jerry Simpson, and more than any other man responsible for Jerry's entry into politics. It was he who induced the "sockless statesman" to become a candidate for the legislature and afterward at the Kinsley convention waved aside the proffered honor of a nomination to Congress and urged instead the nomination of Jerry Simpson. He afterward quit the business of selling shoes, started the publication of the Wichita *Commoner*, beating William J. Bryan to the name by several years, and as publisher for the few hectic years while the Populist party was a potent force in politics, his paper wielded perhaps the greatest influence of any publication of that political faith. All this is preparatory to the statement that it was Ben E. Kies, the old Michigan farmer, who first brought the now celebrated Governor of Kansas before an audience, hostile to the last degree and under circumstances most painful and embarrassing to the boy orator, who, with most unpropitious environment and with exceedingly serious handicaps, by the exercise of ready wit and resourcefulness saved himself from disastrous consequences, if he did not score an oratorical triumph.

Henry J. Allen was not cradled in luxury. He worked during his young manhood as a barber in the city of Topeka to earn money enough to pay his way through college and after he had finished his college experience got a job as reporter on the Salina *Repub-*

lican, then owned and edited by J. L. Bristow, afterward United States senator. In October, 1891, the Farmers' Alliance had reached and passed the zenith of its influence and power. The evidences of dissolution were already discernible to the closely observing, but like a great flywheel which continues to revolve for a good while after the force which put it in motion has abated, the Alliance was still, to the superficial observer, a powerful organization. It was in this mild October of 1891 that some five hundred delegates met in Salina in the annual Alliance convention. Major J. K. Hudson was then the militant proprietor of the Topeka *Daily Capital* and fighting the Alliance and Populism with his usual uncompromising vigor. He called a young reporter, L. L. Kiene, and told him to go to Salina and get a report of the Alliance convention.

"They don't like me or my paper," said the major, "but I want you to find out what they do and report the meeting as accurately as possible."

Kiene went to Salina and there entered into a sort of offensive and defensive alliance with young Allen, the object being somehow or other to get the proceedings of that secret convention. The first day the task was easy, for the two reporters found a disgruntled delegate who was sore on the Alliance and ready to give away its deliberations. The reports published in the *Capital* and *Republican* caused great excitement among the delegates who were still loyal, but they could not tell whether they were being betrayed by a traitor in their own camp or a spy who had managed somehow to get into the building. On the second or third day of the convention the disgruntled delegate went home and that shut off the reporters' source of news. The next day they managed to bribe the janitor of the building to leave a side door unlocked during the noon

hour, and through this they slipped in, and then up to the dark attic, where they concealed themselves near a ventilator shaft that connected the assembly room with the upper room. The attic was unfloored, dark as a dungeon, and covered with a tin roof which concentrated the heat rays from the Kansas sun. October in Kansas is often decidedly like summer and with the sun beating down on the tin roof the temperature rose nearly to the boiling point. Neither of these reporters had reached the degree of fatness they have acquired since, but at that they were a couple of most uncomfortable young men. Pretty soon they heard the tramp of the delegates filing into the hall, and then the rapping of the chairman's gavel as he called the assembly to order.

The president of the Alliance was Captain Frank McGrath, of Beloit. He had been one of the most celebrated and efficient of the frontier sheriffs who made a marvelous record for daring and efficiency. Frank McGrath was a born hunter of criminals. Fearless and untiring, and with an almost uncanny knowledge of the habits of the bad men who infested the border, he rarely, if ever, failed to get a man when he started after him. He was often in positions of great danger, but never hesitated to take the chance and seemed to bear a charmed life. McGrath was instinctively against mob law, which fact had a bearing on the results told in this story. Hardly had the president rapped for order and the delegates become quiet when he announced that there must be either spies or a traitor in the building and the first business would be to appoint a committee of three to search the building. "On that committee," said the president, "I will appoint brother B. F. Kies and two others," mentioning them. "They will proceed at once to make a thorough search and find the culprit."

Although the temperature in the attic was well up toward a hundred, the two reporters experienced something of a chill when they heard that announcement. They decided that it would be best for them to separate as far as possible, lie flat between the joists and trust to the darkness of the unlighted attic for escape. The future governor took one corner of the attic and Kiene the other. The committee headed by Ben Kies came clumping up the attic stairs. Tramping carefully but with determination from one joist to another, they lighted matches to dissipate the gloom. Allen was lying low in one corner, with nothing to support him but the frail laths that held the plastering, trusting to luck and a kindly Providence.

It was Kies who discovered him and announced his discovery with triumphant voice.

"You may as well get up and come along with us," commanded Kies.

The future governor announced with as steady tones as he could command that he was perfectly willing to go. He felt, however, that his wishes in the matter would cut little figure, which conclusion was confirmed by the firm grasp the committeemen took on various parts of his person and the forcible way in which they hustled him toward the attic stair. When he was brought before the assembled delegates there was a moment's hush and then a general yell, "Kill the spy! Kill the spy! He is one of Joe Hudson's hirelings. Kill him!"

There was a rush toward the stage and it would have gone hard with the young reporter if it had not been that McGrath was chairman. As I have said, he was instinctively opposed to mob law and he was able to control that assembly.

"Be quiet, brothers," he said, "we will hear what this young man has to say." Then, turning to the

dust-begrimed, cobweb-covered and freely perspiring reporter, he said: "Young man, why were you in that attic and what have you to say for yourself?"

It was Henry Allen's maiden effort as a speaker before a large crowd, but he rose to the occasion. As he stood there he was not a presentable figure, dirty, sweaty, and generally disheveled, but that may have helped him. He probably was not in a mirthful frame of mind, but he managed to face the crowd with the semblance of a grin and said: "Gentlemen of the Alliance, you don't know how much it pains me to appear before you in this condition."

In those days the average Alliance man was disposed to take matters very seriously. They had visions of the "Great Red Dragon," the "Altar of Mammon," and the "Seven Great Conspiracies," but there were men in that audience who had a saving sense of humor and the opening statement of the young reporter sort of caught them, and when he followed with the further statement, "I assure you, gentlemen, that this reception is wholly unexpected. I hardly supposed that I would be greeted with so much enthusiasm," several of the delegates laughed aloud.

"I admit, gentlemen," continued Allen, "that I was in the attic, and if you want further evidence the gentlemen composing this committee who have so insistently escorted me to this platform, will testify to the fact, but I am not there now. However, I have heard one charge made against me which I most emphatically deny; it is that I am one of Joe Hudson's men. I never worked for Joe Hudson in my life and don't know what he looks like. I am a reporter on the Salina *Republican* and will confess that I was in the attic to get a report of your meeting."

At this point a number of delegates started another movement toward the platform but were checked by the

chairman, and Henry, with renewed confidence, seeing that President McGrath did not intend to permit personal violence, proceeded with his remarks.

"When I went into the attic I did so simply in the line of duty. It was my business to get the news and you gentlemen guard your proceedings with so much care that I was driven to this as a last resort. I admit that it was not the right thing to do, but I am only a poor reporter and my bread and butter depend on my ability to get the news. I am sorry this occurred and assure you that it will never happen again."

His ready wit, resourcefulness, and apparent frankness of statement won him some friends even in that hostile audience and there was some scattering applause when he closed. Then President McGrath demanded that he give up his notes.

"I have no notes," said the reporter.

"Who was with you?" asked McGrath.

It was at this point that Kiene, listening at the ventilator shaft, felt the hot and cold flashes chase each other up and down his spine, but to his relief the future governor lied promptly and calmly like a gentleman. It was then that Kiene realized the force of the little Sunday-school girl's definition of a lie when she said, "A lie is an abomination in the sight of the Lord and a very pleasant help in time of trouble."

In answer to the question Allen promptly and with an expression of almost cherubic innocence said, "There was no one."

Kiene breathed easier.

"Is there any other reporter in the house to your knowledge?" asked McGrath.

"No, sir."

"Will you promise never to attempt anything of this kind again?"

"Yes, sir."

Then the young reporter was taken before the county attorney and an effort was made to find a law under which he could be prosecuted, but as there was no such law, he was released.

The convention passed some red hot resolutions denouncing Allen personally and the paper which employed him. Allen somewhat surprised the chairman of the committee on resolutions by asking for a copy of the resolution for publication.

Freed, as they supposed, from spying ears and eyes, the delegates proceeded with their secret conference while Kiene, sweating, but happy in the attic, took notes of the deliberations and furnished a full report both to the *Capital* and the Salina *Republican.*

During the nearly twenty-nine years which have elapsed since that hot October day, the young reporter has acquired nation-wide fame as an orator and as the chief executive of the great state in which he was born, but never did his natural facility as a speaker stand him so much in hand as when he was dragged before that convention of wrathful delegates, the majority of whom would just then have watched him hang, if not with positive satisfaction, at least with a feeling that justice had been in a measure satisfied.

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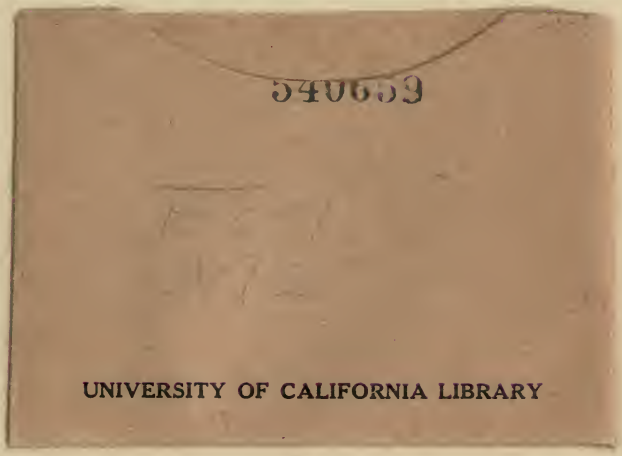
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